

SIMILAR PROVISIONS

Provisions similar to those in subsecs. (a) and (b) of this section are contained in section 403-6(a) and (b) of Title 50, War and National Defense.

DEFENSE INTELLIGENCE AGENCY

Pub. L. 102-190, div. A, title IX, §921, Dec. 5, 1991, 105 Stat. 1452, as amended by Pub. L. 103-337, div. A, title X, §1070(d)(1), Oct. 5, 1994, 108 Stat. 2858, provided that, during the period beginning on Dec. 5, 1991, and ending on Jan. 1, 1993, the Assistant Secretary of Defense referred to in section 138(b)(3) of this title could be assigned supervision of the Defense Intelligence Agency other than day-to-day operational control over the Agency, set forth the responsibilities of the Director of the Defense Intelligence Agency during the period beginning on Dec. 5, 1991, and ending on Jan. 1, 1993, and directed the Secretary of the Army and the Director of the Defense Intelligence Agency to take all required actions in order to transfer the Armed Forces Medical Intelligence Center and the Missile and Space Intelligence Center from the Department of the Army to the control of the Defense Intelligence Agency not later than Jan. 1, 1992.

JOINT INTELLIGENCE CENTER

Section 923 of Pub. L. 102-190 provided that:

“(a) REQUIREMENT FOR CENTER.—The Secretary of Defense shall direct the consolidation of existing single-service current intelligence centers that are located within the District of Columbia or its vicinity into a joint intelligence center that is responsible for preparing current intelligence assessments (including indications and warning). The joint intelligence center shall be located within the District of Columbia or its vicinity. As appropriate for the support of military operations, the joint intelligence center shall provide for and manage the collection and analysis of intelligence.

“(b) MANAGEMENT.—The center shall be managed by the Defense Intelligence Agency in its capacity as the intelligence staff activity of the Chairman of the Joint Chiefs of Staff.

“(c) RESPONSIVENESS TO COMMAND AUTHORITIES.—The Secretary shall ensure that the center is fully responsive to the intelligence needs of the Secretary, the Chairman of the Joint Chiefs of Staff, and the commanders of the combatant commands.”

[§ 202. Repealed. Pub. L. 105-107, title V, §503(c), Nov. 20, 1997, 111 Stat. 2262]

Section, added Pub. L. 97-269, title V, §501(a), Sept. 27, 1982, 96 Stat. 1145, §191; amended Pub. L. 98-525, title XIV, §1405(6), Oct. 19, 1984, 98 Stat. 2622; renumbered §201, Pub. L. 99-433, title III, §301(a)(1), Oct. 1, 1986, 100 Stat. 1019; renumbered §202, Pub. L. 102-190, div. A, title IX, §922(a)(1), Dec. 5, 1991, 105 Stat. 1453; Pub. L. 105-107, title V, §503(b), Nov. 20, 1997, 111 Stat. 2262, related to unauthorized use of Defense Intelligence Agency name, initials, or seal, after amendment by Pub. L. 105-107, which transferred subsec. (b) to end of section 425.

§ 203. Director of Missile Defense Agency

If an officer of the armed forces on active duty is appointed to the position of Director of the Missile Defense Agency, the position shall be treated as having been designated by the President as a position of importance and responsibility for purposes of section 601 of this title and shall carry the grade of lieutenant general or general or, in the case of an officer of the Navy, vice admiral or admiral.

(Added Pub. L. 105-85, div. A, title II, §235(a), Nov. 18, 1997, 111 Stat. 1665; amended Pub. L. 107-314, div. A, title II, §225(b)(1)(A), (B)(i), Dec. 2, 2002, 116 Stat. 2486.)

AMENDMENTS

2002—Pub. L. 107-314 substituted “Missile Defense Agency” for “Ballistic Missile Defense Organization” in section catchline and text.

CHAPTER 9—DEFENSE BUDGET MATTERS

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235. | Future-years defense program: submission to Congress; consistency in budgeting.
Future-years mission budget.
Ballistic missile defense programs: program elements.
Ballistic missile defense programs: procurement.
Ballistic missile defense programs: display of amounts for research, development, test, and evaluation.
Acquisition accountability reports on the ballistic missile defense system.
Repealed.]
Biannual reports on allocation of funds within operation and maintenance budget subactivities.
Programs for combating terrorism: display of budget information.
Repealed.]
Budgeting for construction of naval vessels: annual plan and certification ¹
Budgeting for life-cycle cost of aircraft for the Navy, Army, and Air Force: annual plan and certification.
United States Joint Forces Command: amounts for research, development, test, and evaluation to be derived only from Defense-wide amounts.
Operation and maintenance budget presentation.
POW/MIA activities: display of budget information.
Procurement of contract services: specification of amounts requested in budget. |
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AMENDMENTS

2011—Pub. L. 112-81, div. A, title X, §§1011(b), 1061(3)(B), 1064(4)(B)(ii), 1069(c), Dec. 31, 2011, 125 Stat. 1560, 1583, 1587, 1592, struck out item 226 “Scoring of outlays”, added item 228 and struck out former item 228 “Quarterly reports on allocation of funds within operation and maintenance budget subactivities”, added item 231 and struck out former item 231 “Long-range plan for construction of naval vessels”, and amended item 231a generally. Prior to amendment, item 231a read as follows: “Budgeting for procurement of aircraft for the Navy and Air Force: annual plan and certification”.

Pub. L. 112-81, div. A, title II, §231(a)(2), Dec. 31, 2011, 125 Stat. 1339, which directed the addition of item 225 at the end of this analysis, was executed by adding item 225 after item 224 to reflect the probable intent of Congress.

Pub. L. 111-383, div. A, title X, §1023(b), Jan. 7, 2011, 124 Stat. 4350, added item 231 and struck out former item 231 “Budgeting for construction of naval vessels: annual plan and certification”.

2009—Pub. L. 111-84, div. A, title VIII, §803(a)(2), Oct. 28, 2009, 123 Stat. 2402, added item 235.

2008—Pub. L. 110-417, [div. A], title I, §141(b), Oct. 14, 2008, 122 Stat. 4380, added item 231a.

2006—Pub. L. 109-364, div. A, title V, §563(b), Oct. 17, 2006, 120 Stat. 2222, added item 234.

2004—Pub. L. 108-375, div. A, title II, §214(b), title X, §1003(a)(2), Oct. 28, 2004, 118 Stat. 1834, 2035, added items 232 and 233.

2003—Pub. L. 108-136, div. A, title II, §223(a)(2), title X, §1031(a)(6)(B)(ii), Nov. 24, 2003, 117 Stat. 1420, 1596, added item 223a and substituted “Quarterly” for “Monthly” in item 228.

¹ So in original. Probably should be followed by a period.

2002—Pub. L. 107-314, div. A, title X, §§1022(b), 1041(a)(2)(B), Dec. 2, 2002, 116 Stat. 2640, 2645, struck out item 230 “Amounts for declassification of records” and added item 231.

2001—Pub. L. 107-107, div. A, title II, §231(b)(2), Dec. 28, 2001, 115 Stat. 1037, substituted “research, development, test, and evaluation” for “procurement” in item 224.

1999—Pub. L. 106-65, div. A, title IX, §932(b)(2), title X, §1041(a)(2), Oct. 5, 1999, 113 Stat. 728, 758, added items 229 and 230.

1998—Pub. L. 105-261, div. A, title II, §235(a)(2), Oct. 17, 1998, 112 Stat. 1953, added item 223.

1997—Pub. L. 105-85, div. A, title II, §232(a)(2), title III, §321(a)(2), Nov. 18, 1997, 111 Stat. 1663, 1673, added items 224 and 228.

1996—Pub. L. 104-106, div. A, title X, §1061(f)(2), Feb. 10, 1996, 110 Stat. 443, struck out item 227 “Recruiting costs”.

1993—Pub. L. 103-160, div. A, title III, §374(b), Nov. 30, 1993, 107 Stat. 1637, added item 227.

1992—Pub. L. 102-484, div. A, title X, §1002(d)(2), Oct. 23, 1992, 106 Stat. 2481, added items 221 and 222 and redesignated former item 221 as 226.

1991—Pub. L. 102-190, div. A, title X, §1002(a)(1), Dec. 5, 1991, 105 Stat. 1455, substituted “DEFENSE BUDGET MATTERS” for “REGULAR COMPONENTS” in chapter heading and added item 221.

§ 221. Future-years defense program: submission to Congress; consistency in budgeting

(a) The Secretary of Defense shall submit to Congress each year, at or about the time that the President’s budget is submitted to Congress that year under section 1105(a) of title 31, a future-years defense program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years defense program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

(b)(1) The Secretary of Defense shall ensure that amounts described in subparagraph (A) of paragraph (2) for any fiscal year are consistent with amounts described in subparagraph (B) of paragraph (2) for that fiscal year.

(2) Amounts referred to in paragraph (1) are the following:

(A) The amounts specified in program and budget information submitted to Congress by the Secretary in support of expenditure estimates and proposed appropriations in the budget submitted to Congress by the President under section 1105(a) of title 31 for any fiscal year, as shown in the future-years defense program submitted pursuant to subsection (a).

(B) The total amounts of estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the Department of Defense included pursuant to paragraph (5) of section 1105(a) of title 31 in the budget submitted to Congress under that section for any fiscal year.

(c) Nothing in this section shall be construed to prohibit the inclusion in the future-years defense program of amounts for management contingencies, subject to the requirements of subsection (b).

(Added Pub. L. 101-189, div. A, title XVI, §1602(a)(1), Nov. 29, 1989, 103 Stat. 1596, §114a; amended Pub. L. 101-510, div. A, title XIV, §1402(a)(1)–(3)(A), Nov. 5, 1990, 104 Stat. 1674; re-

numbered § 221 and amended Pub. L. 102-484, div. A, title X, §1002(c), Oct. 23, 1992, 106 Stat. 2480.)

PRIOR PROVISIONS

A prior section 221 was renumbered section 226 of this title.

AMENDMENTS

1992—Pub. L. 102-484 renumbered section 114a of this title as this section, amended section catchline generally, and substituted “future-years” for “multiyear” wherever appearing in text.

1990—Pub. L. 101-510, §1402(a)(3)(A), which directed amendment of section catchline by substituting “Multiyear” for “Five-year”, was executed by substituting “Multiyear” for “Five-Year” as the probable intent of Congress.

Subsec. (a). Pub. L. 101-510, §1402(a)(1), (2), substituted “a multiyear” for “the current five-year” and inserted at end “Any such multiyear defense program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.”

Subsecs. (b)(2)(A), (c). Pub. L. 101-510, §1402(a)(2)(A), substituted “multiyear” for “five-year”.

SEPARATE PROCUREMENT LINE ITEM FOR CERTAIN LITTORAL COMBAT SHIP MISSION MODULES

Pub. L. 112-81, div. A, title I, §122, Dec. 31, 2011, 125 Stat. 1319, provided that:

“(a) IN GENERAL.—In the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2013, and each subsequent fiscal year, the Secretary shall ensure that a separate, dedicated procurement line item is designated for each covered module that includes the quantity and cost of each such module requested.

“(b) FORM.—The Secretary shall ensure that any classified components of covered modules not included in a procurement line item under subsection (a) shall be included in a classified annex.

“(c) COVERED MODULE.—In this section, the term ‘covered module’ means, with respect to mission modules of the Littoral Combat Ship, the following modules:

- “(1) Surface warfare.
- “(2) Mine countermeasures.
- “(3) Anti-submarine warfare.”

DISPLAY OF PROCUREMENT OF EQUIPMENT FOR THE RESERVE COMPONENTS OF THE ARMED FORCES UNDER ESTIMATED EXPENDITURES FOR PROCUREMENT IN FUTURE-YEARS DEFENSE PROGRAMS

Pub. L. 112-81, div. A, title X, §1003A, Dec. 31, 2011, 125 Stat. 1556, provided that: “Each future-years defense program submitted to Congress under section 221 of title 10, United States Code, shall, in setting forth estimated expenditures and item quantities for procurement for the Armed Forces for the fiscal years covered by such program, display separately under such estimated expenditures and item quantities the estimated expenditures for each such fiscal year for equipment for each reserve component of the Armed Forces that will receive items in any fiscal year covered by such program.”

DISPLAY OF ANNUAL BUDGET REQUIREMENTS FOR ORGANIZATIONAL CLOTHING AND INDIVIDUAL EQUIPMENT

Pub. L. 112-81, div. A, title X, §1094, Dec. 31, 2011, 125 Stat. 1607, provided that:

“(a) SUBMISSION WITH ANNUAL BUDGET JUSTIFICATION DOCUMENTS.—For fiscal year 2013 and each subsequent fiscal year, the Secretary of Defense shall submit to the President, for inclusion with the budget materials submitted to Congress under section 1105(a) of title 31, United States Code, a budget justification display that

covers all programs and activities associated with the procurement of organizational clothing and individual equipment.

“(b) REQUIREMENTS FOR BUDGET DISPLAY.—The budget justification display under subsection (a) for a fiscal year shall include the following:

“(1) The funding requirements in each budget activity and for each Armed Force for organizational clothing and individual equipment.

“(2) The amount in the budget for each of the Armed Forces for organizational clothing and equipment for that fiscal year.

“(c) DEFINITION.—In this section, the term ‘organizational clothing and individual equipment’ means an item of organizational clothing or equipment prescribed for wear or use with the uniform.”

SEPARATE PROGRAM ELEMENTS REQUIRED FOR RESEARCH AND DEVELOPMENT OF JOINT LIGHT TACTICAL VEHICLE

Pub. L. 111-383, div. A, title II, §213, Jan. 7, 2011, 124 Stat. 4163, provided that: “In the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2012, and each subsequent fiscal year, the Secretary shall ensure that within each research, development, test, and evaluation account of the Army and the Navy a separate, dedicated program element is assigned to the Joint Light Tactical Vehicle.”

SEPARATE PROCUREMENT LINE ITEM FOR BODY ARMOR

Pub. L. 111-84, div. A, title I, §141(b), Oct. 28, 2009, 123 Stat. 2223, provided that: “In the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2011, and each subsequent fiscal year, the Secretary shall ensure that within each military department procurement account, a separate, dedicated procurement line item is designated for body armor.”

SEPARATE PROGRAM ELEMENTS REQUIRED FOR RESEARCH AND DEVELOPMENT OF INDIVIDUAL BODY ARMOR AND ASSOCIATED COMPONENTS

Pub. L. 111-84, div. A, title II, §216, Oct. 28, 2009, 123 Stat. 2227, provided that: “In the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2011, and each subsequent fiscal year, the Secretary shall ensure that within each research, development, test, and evaluation account of each military department a separate, dedicated program element is assigned to the research and development of individual body armor and associated components.”

SEPARATE PROCUREMENT AND RESEARCH, DEVELOPMENT, TEST, AND EVALUATION LINE ITEMS AND PROGRAM ELEMENTS FOR THE F-35B AND F-35C JOINT STRIKE FIGHTER AIRCRAFT

Pub. L. 111-84, div. A, title II, §217, Oct. 28, 2009, 123 Stat. 2228, provided that: “In the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2011, and each subsequent fiscal year, the Secretary shall ensure that within the Navy research, development, test, and evaluation account and the Navy aircraft procurement account, a separate, dedicated line item and program element is assigned to each of the F-35B aircraft and the F-35C aircraft, to the

extent that such accounts include funding for each such aircraft.”

GUIDANCE ON BUDGET JUSTIFICATION MATERIALS DESCRIBING FUNDING REQUESTED FOR OPERATION, SUSTAINMENT, MODERNIZATION, AND PERSONNEL OF MAJOR RANGES AND TEST FACILITIES

Pub. L. 111-84, div. A, title II, §220, Oct. 28, 2009, 123 Stat. 2229, provided that:

“(a) GUIDANCE ON BUDGET JUSTIFICATION MATERIALS.—The Secretary of Defense, acting through the Under Secretary of Defense (Comptroller) and the Director of the Department of Defense Test Resource Management Center, shall issue guidance clarifying and standardizing the information required in budget justification materials describing amounts to be requested in the budget of the President for a fiscal year (as submitted to Congress pursuant to section 1105(a) of title 31, United States Code) for funding for each facility and resource of the Major Range and Test Facility Base in connection with each of the following:

“(1) Operation.

“(2) Sustainment.

“(3) Investment and modernization.

“(4) Government personnel.

“(5) Contractor personnel.

“(b) APPLICABILITY.—The guidance issued under subsection (a) shall apply with respect to budgets of the President for fiscal years after fiscal year 2010.

“(c) MAJOR RANGE AND TEST FACILITY BASE DEFINED.—In this section, the term ‘Major Range and Test Facility Base’ has the meaning given that term in section 196(h) of title 10, United States Code.”

MILITARY MUNITIONS RESPONSE PROGRAM AND INSTALLATION RESTORATION PROGRAM

Pub. L. 111-84, div. A, title III, §318(b), Oct. 28, 2009, 123 Stat. 2250, provided that: “As part of the annual budget submission of the Secretary of Defense to Congress, the Secretary shall include the funding levels requested for the Military Munitions Response Program and the Installation Restoration Program.”

SEPARATE PROCUREMENT LINE ITEMS FOR FUTURE COMBAT SYSTEMS PROGRAM

Pub. L. 110-417, [div. A], title I, §111, Oct. 14, 2008, 122 Stat. 4373, provided that: “Effective for the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2011 and for each fiscal year thereafter, the Secretary of Defense shall ensure that a separate, dedicated procurement line item is designated for each of the following elements of the Future Combat Systems program (in this section referred to as ‘FCS’), to the extent the budget includes funding for such elements:

“(1) FCS Manned Ground Vehicles.

“(2) FCS Unmanned Ground Vehicles.

“(3) FCS Unmanned Aerial Systems.

“(4) FCS Unattended Ground Systems.

“(5) Other FCS elements.”

SEPARATE PROCUREMENT AND RESEARCH, DEVELOPMENT, TEST, AND EVALUATION LINE ITEMS AND PROGRAM ELEMENTS FOR SKY WARRIOR UNMANNED AERIAL SYSTEMS PROJECT

Pub. L. 110-417, [div. A], title II, §214, Oct. 14, 2008, 122 Stat. 4386, provided that: “Effective for fiscal year 2010 and for each fiscal year thereafter, the Secretary of Defense shall ensure that, in the annual budget submission of the Department of Defense to the President, within both the account for procurement and the account for research, development, test, and evaluation, a separate, dedicated line item and program element is designated for the Sky Warrior Unmanned Aerial Systems project, to the extent such accounts include funding for such project.”

DISPLAY OF ANNUAL BUDGET REQUIREMENTS FOR AIR SOVEREIGNTY ALERT MISSION

Pub. L. 110-417, [div. A], title III, §354, Oct. 14, 2008, 122 Stat. 4426, provided that:

“(a) SUBMISSION WITH ANNUAL BUDGET JUSTIFICATION DOCUMENTS.—For fiscal year 2010 and each subsequent fiscal year, the Secretary of Defense shall submit to the President, for consideration by the President for inclusion with the budget materials submitted to Congress under section 1105(a) of title 31, United States Code, a consolidated budget justification display that covers all programs and activities of the Air Sovereignty Alert mission of the Air Force.

“(b) REQUIREMENTS FOR BUDGET DISPLAY.—The budget display under subsection (a) for a fiscal year shall include for such fiscal year the following:

“(1) The funding requirements for the Air Sovereignty Alert mission, and the associated Command and Control mission, including such requirements for—

“(A) military personnel costs;

“(B) flying hours; and

“(C) any other associated mission costs.

“(2) The amount in the budget for the Air Force for each of the items referred to in paragraph (1).

“(3) The amount in the budget for the Air National Guard for each such item.”

REQUIREMENT FOR SEPARATE DISPLAY OF BUDGETS FOR AFGHANISTAN AND IRAQ

Pub. L. 110-417, [div. A], title XV, §1502, Oct. 14, 2008, 122 Stat. 4649, provided that:

“(a) OPERATIONS IN IRAQ AND AFGHANISTAN.—In any annual or supplemental budget request for the Department of Defense that is submitted to Congress after the date of the enactment of this Act [Oct. 14, 2008], the Secretary of Defense shall set forth separately any funding requested in such budget request for—

“(1) operations of the Department of Defense in Afghanistan; and

“(2) operations of the Department of Defense in Iraq.

“(b) SPECIFICITY OF DISPLAY.—Each budget request covered by subsection (a) shall, for any funding requested for operations in Iraq or Afghanistan—

“(1) clearly display the amount of such funding at the appropriation account level and at the program, project, or activity level; and

“(2) include a detailed description of the assumptions underlying the funding for the period covered by the budget request, including the anticipated troop levels, the operations intended to be carried out, and the equipment reset requirements necessary to support such operations.”

REPORT ON FUNDING OF THE DEPARTMENT OF DEFENSE FOR HEALTH CARE

Pub. L. 110-181, div. A, title VII, §718, Jan. 28, 2008, 122 Stat. 197, provided that:

“(a) REPORT.—If the President submits to Congress the budget for a fiscal year under section 1105 of title 31, United States Code, and the aggregate amount included in that budget for the Department of Defense for health care for such fiscal year is less than the aggregate amount provided by Congress for the Department for health care for the preceding fiscal year, and, in the case of the Department, the total allocation from the Defense Health Program to any military department is less than the total of such allocation in the preceding fiscal year, the President shall submit to Congress a report on—

“(1) the reasons for the determination that inclusion of a lesser aggregate amount or allocation to any military department is in the national interest; and

“(2) the anticipated effects of the inclusion of such lesser aggregate amount or allocation to any military department on the access to and delivery of medical and support services to members of the Armed Forces and their family members.

“(b) TERMINATION.—The section shall not be in effect after December 31, 2017.”

SPECIFICATION OF AMOUNTS REQUESTED FOR PROCUREMENT OF CONTRACT SERVICES

Pub. L. 110-181, div. A, title VIII, §806, Jan. 28, 2008, 122 Stat. 213, which required that materials submitted to Congress in support of the Defense Department budget identify clearly and separately the amounts requested in each budget account for procurement of contract services, was repealed and restated as section 235 of this title by Pub. L. 111-84, div. A, title VIII, §803(a)(1), (3), Oct. 28, 2009, 123 Stat. 2402.

REPORT ON MAJOR DEPARTMENT OF DEFENSE HEADQUARTERS ACTIVITIES PERSONNEL

Pub. L. 110-181, div. A, title IX, §901(b), (c), Jan. 28, 2008, 122 Stat. 272, which required that the Secretary of Defense include a report with the defense budget materials for each fiscal year concerning the number of military personnel and civilian employees of the Department of Defense assigned to major headquarters activities for each component of the Department, any increase in personnel assigned to major headquarters activities attributable to certain reasons, and any cost savings associated with the elimination of contracts for the performance of major headquarters activities, was repealed by Pub. L. 111-84, div. A, title XI, §1109(b)(3), Oct. 28, 2009, 123 Stat. 2493.

MAJOR FORCE PROGRAM CATEGORY FOR SPACE

Pub. L. 112-10, div. A, title VIII, §8092, Apr. 15, 2011, 125 Stat. 77, provided that: “The Secretary of Defense shall create a major force program category for space for each future-years defense program of the Department of Defense submitted to Congress under section 221 of title 10, United States Code, during fiscal year 2011. The Secretary of Defense shall designate an official in the Office of the Secretary of Defense to provide overall supervision of the preparation and justification of program recommendations and budget proposals to be included in such major force program category.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 111-118, div. A, title VIII, §8099, Dec. 19, 2009, 123 Stat. 3450.

Pub. L. 110-329, div. C, title VIII, §8104, Sept. 30, 2008, 122 Stat. 3644.

Pub. L. 110-116, div. A, title VIII, §8111, Nov. 13, 2007, 121 Stat. 1339.

REQUEST FOR FUNDS FOR ONGOING MILITARY OPERATION OVERSEAS

Pub. L. 110-116, div. A, title VIII, §8116, Nov. 13, 2007, 121 Stat. 1340, provided that: “Any request for funds for a fiscal year after fiscal year 2008 for an ongoing military operation overseas, including operations in Afghanistan and Iraq, shall be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31, United States Code.”

ANNUAL REPORT ON PERSONNEL SECURITY INVESTIGATIONS FOR INDUSTRY AND NATIONAL INDUSTRIAL SECURITY PROGRAM

Pub. L. 109-364, div. A, title III, §347(a), (b), Oct. 17, 2006, 120 Stat. 2158, which required that the Secretary of Defense include in budget justification documents for each fiscal year a report on future requirements of the Department of Defense concerning Personnel Security Investigations for Industry and the National Industrial Security Program of the Defense Security Service, was repealed by Pub. L. 112-81, div. A, title X, §1062(d)(1), Dec. 31, 2011, 125 Stat. 1585.

BUDGETING FOR ONGOING MILITARY OPERATIONS IN AFGHANISTAN AND IRAQ

Pub. L. 109-364, div. A, title X, §1008, Oct. 17, 2006, 120 Stat. 2374, provided that: “The President’s budget submitted to Congress pursuant to section 1105(a) of title 31, United States Code, for each fiscal year after fiscal year 2007 shall include—

“(1) a request for the appropriation of funds for such fiscal year for ongoing military operations in Afghanistan and Iraq;

“(2) an estimate of all funds expected to be required in that fiscal year for such operations; and

“(3) a detailed justification of the funds requested.”

SEPARATE PROGRAM ELEMENTS REQUIRED FOR SIGNIFICANT SYSTEMS DEVELOPMENT AND DEMONSTRATION PROJECTS FOR ARMORED SYSTEMS MODERNIZATION PROGRAM

Pub. L. 109-163, div. A, title II, § 214, Jan. 6, 2006, 119 Stat. 3168, provided that:

“(a) PROGRAM ELEMENTS SPECIFIED.—Effective for the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2008 and each fiscal year thereafter, the Secretary of Defense shall ensure that a separate, dedicated program element is assigned to each of the following systems development and demonstration projects of the Armored Systems Modernization program:

“(1) Manned Ground Vehicles.

“(2) Systems of Systems Engineering and Program Management.

“(3) Future Combat Systems Reconnaissance Platforms and Sensors.

“(4) Future Combat Systems Unmanned Ground Vehicles.

“(5) Unattended Sensors.

“(6) Sustainment.

“(b) EARLY COMMENCEMENT OF DISPLAY IN BUDGET JUSTIFICATION MATERIALS.—As part of the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2007, as submitted with the budget of the President under such section 1105(a), the Secretary of the Army shall set forth the budget justification material for the systems development and demonstration projects of the Armored Systems Modernization program identified in subsection (a) as if the projects were already separate program elements.

“(c) TECHNOLOGY INSERTION TO CURRENT FORCE.—

“(1) REPORT ON ESTABLISHMENT OF ADDITIONAL PROGRAM ELEMENT.—Not later than June 1, 2006, the Secretary of the Army shall submit a report to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] describing the manner in which the costs of integrating Future Combat Systems capabilities into current force programs could be assigned to a separate, dedicated program element and any management issues that would be raised as a result of establishing such a program element.

“(2) DISPLAY IN BUDGET JUSTIFICATION MATERIALS.—As part of the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2007 and each fiscal year thereafter, as submitted with the budget of the President under such section 1105(a), the Secretary of the Army shall set forth the budget justification material for technology insertion to the current force under the Armored Systems Modernization program.”

ANNUAL SUBMISSION OF INFORMATION REGARDING INFORMATION TECHNOLOGY CAPITAL ASSETS

Pub. L. 107-314, div. A, title III, § 351, Dec. 2, 2002, 116 Stat. 2516, as amended by Pub. L. 110-417, [div. A], title X, § 1051, Oct. 14, 2008, 122 Stat. 4604, provided that:

“(a) REQUIREMENT TO SUBMIT INFORMATION.—Not later than 30 days after the date on which the President submits the budget for a fiscal year to Congress pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to Congress information on the following information technology capital assets, including information technology capital assets that are a national security system, of the Department of Defense:

“(1) Information technology capital assets that have an estimated total cost for the fiscal year for

which the budget is submitted in excess of \$30,000,000 or an estimated total cost (as computed in fiscal year 2003 constant dollars) in excess of \$120,000,000.

“(2) Information technology capital assets not covered by paragraph (1) that have been determined by the Chief Information Officer of the Department of Defense to be significant investments.

“(b) REQUIRED INFORMATION FOR HIGH-THRESHOLD ASSETS.—With respect to each information technology capital asset described in subsection (a)(1), the Secretary of Defense shall include the following information:

“(1) The name and identifying acronym of the information technology capital asset.

“(2) The date of initiation of the asset.

“(3) A summary of performance measurements and metrics.

“(4) The total amount of funds, by appropriation account, appropriated and obligated for prior fiscal years, with a specific breakout of such information for the two preceding fiscal years.

“(5) The funds, by appropriation account, requested for the next fiscal year.

“(6) The name of each prime contractor and the work to be performed.

“(7) Program management and management oversight information.

“(8) The original baseline cost and most current baseline information.

“(9) Information regarding compliance with the provisions of law enacted or amended by the Government Performance Results Act of 1993 (Public Law 103-62; 107 Stat. 285) [see Short Title of 1993 Amendment note under 31 U.S.C. 1101] and the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104-106; 110 Stat. 642) [§§ 5001-5703 and §§ 4001-4402, see Tables for classification].

“(c) REQUIRED INFORMATION FOR SIGNIFICANT INVESTMENTS.—With respect to each information technology capital asset not covered by paragraph (1) of subsection (a), but covered by paragraph (2) of that subsection, the Secretary of Defense shall include such information in a format that is appropriate to the current status of such asset.

“(d) TOTAL COST DETERMINATIONS.—In estimating the total cost for a fiscal year or total cost of an information technology capital asset, the Secretary of Defense shall consider research and development costs, procurement costs, and operation and maintenance costs related to the information technology capital asset.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘information technology’ has the meaning given that term in section 11101 of title 40, United States Code.

“(2) The term ‘capital asset’ has the meaning given that term in Office of Management and Budget Circular A-11.

“(3) The term ‘national security system’ has the meaning given that term in section 11103 of title 40, United States Code.”

DEPARTMENT OF DEFENSE REQUESTS FOR FUNDS FOR ENVIRONMENTAL RESTORATION AT BRAC SITES IN FUTURE FISCAL YEARS

Pub. L. 107-249, § 131, Oct. 23, 2002, 116 Stat. 1586, provided that:

“(a) REQUESTS FOR FUNDS FOR ENVIRONMENTAL RESTORATION AT BRAC SITES IN FUTURE FISCAL YEARS.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year after fiscal year 2003, the amount requested for environmental restoration, waste management, and environmental compliance activities in such fiscal year with respect to military installations approved for closure or realignment under the base closure laws shall accurately reflect the anticipated cost of such activities in such fiscal year.

“(b) BASE CLOSURE LAWS DEFINED.—In this section, the term ‘base closure laws’ means the following:

“(1) Section 2687 of title 10, United States Code.

“(2) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

“(3) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).”

Similar provisions were contained in the following prior appropriation act:

Pub. L. 107-64, §131, Nov. 5, 2001, 115 Stat. 482.

BUDGET JUSTIFICATION DOCUMENTS FOR COSTS OF ARMED FORCES’ PARTICIPATION IN CONTINGENCY OPERATIONS

Pub. L. 107-248, title VIII, §8132, Oct. 23, 2002, 116 Stat. 1568, provided that: “The budget of the President for fiscal year 2004 submitted to the Congress pursuant to section 1105 of title 31, United States Code, and each annual budget request thereafter, shall include separate budget justification documents for costs of United States Armed Forces’ participation in contingency operations for the Military Personnel accounts, the Overseas Contingency Operations Transfer Fund, the Operation and Maintenance accounts, and the Procurement accounts: *Provided*, That these budget justification documents shall include a description of the funding requested for each anticipated contingency operation, for each military service, to include active duty and Guard and Reserve components, and for each appropriation account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for ongoing contingency operations, and programmatic data including, but not limited to troop strength for each active duty and Guard and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP-5 and OP-32, as defined in the Department of Defense Financial Management Regulation, for the Overseas Contingency Operations Transfer Fund for fiscal years 2002 and 2003.”

Similar provisions were contained in the following appropriation acts:

Pub. L. 112-74, div. A, title VIII, §8077, Dec. 23, 2011, 125 Stat. 824.

Pub. L. 112-10, div. A, title VIII, §8077, Apr. 15, 2011, 125 Stat. 74.

Pub. L. 111-118, div. A, title VIII, §8083, Dec. 19, 2009, 123 Stat. 3447.

Pub. L. 110-329, div. C, title VIII, §8086, Sept. 30, 2008, 122 Stat. 3641.

Pub. L. 110-116, div. A, title VIII, §8091, Nov. 13, 2007, 121 Stat. 1335.

Pub. L. 109-289, div. A, title VIII, §8089, Sept. 29, 2006, 120 Stat. 1294.

Pub. L. 109-148, div. A, title VIII, §8100, Dec. 30, 2005, 119 Stat. 2721.

Pub. L. 108-287, title VIII, §8116, Aug. 5, 2004, 118 Stat. 998.

Pub. L. 108-87, title VIII, §8115, Sept. 30, 2003, 117 Stat. 1099.

Pub. L. 107-117, div. A, title VIII, §8097, Jan. 10, 2002, 115 Stat. 2268.

Pub. L. 106-259, title VIII, §8097, Aug. 9, 2000, 114 Stat. 695.

Pub. L. 106-79, title VIII, §8110, Oct. 25, 1999, 113 Stat. 1257.

BUDGET SUBMISSIONS ON ACTIVE AND RESERVE MILITARY PERSONNEL ACCOUNTS

Pub. L. 105-262, title VIII, §8093, Oct. 17, 1998, 112 Stat. 2319, provided that: “At the time the President submits his budget for fiscal year 2000 and any fiscal year thereafter, the Department of Defense shall transmit to the congressional defense committees [Committee on Armed Services and Subcommittee on National Security of the Committee on Appropriations of the House of Representatives and Committee on Armed Services and Subcommittee on Defense of the Committee on Ap-

propriations of the Senate] a budget justification document for the active and reserve Military Personnel accounts, to be known as the ‘M-1’, which shall identify, at the budget activity, activity group, and subactivity group level, the amounts requested by the President to be appropriated to the Department of Defense for military personnel in any budget request, or amended budget request, for that fiscal year.”

Similar provisions were contained in the following prior appropriation act:

Pub. L. 105-56, title VIII, §8104, Oct. 8, 1997, 111 Stat. 1243.

MODIFICATION OF BUDGET DATA EXHIBITS

Pub. L. 105-85, div. A, title III, §324(c), Nov. 18, 1997, 111 Stat. 1678, provided that: “The Under Secretary of Defense (Comptroller) shall ensure that aircraft budget data exhibits of the Department of Defense that are submitted to Congress display total numbers of active aircraft where numbers of primary aircraft or primary authorized aircraft are displayed in those exhibits.”

INCLUSION OF AIR FORCE DEPOT MAINTENANCE AS OPERATION AND MAINTENANCE BUDGET LINE ITEMS

Pub. L. 105-85, div. A, title III, §327, Nov. 18, 1997, 111 Stat. 1679, provided that: “For fiscal year 1999 and each fiscal year thereafter, Air Force depot-level maintenance of materiel shall be displayed as one or more separate line items under each subactivity within the authorization request for operation and maintenance, Air Force, in the proposed budget for that fiscal year submitted to Congress pursuant to section 1105 of title 31, United States Code.”

IDENTIFICATION IN PRESIDENT’S BUDGET OF NATO COSTS

Pub. L. 106-79, title VIII, §8091, Oct. 25, 1999, 113 Stat. 1253, provided that: “The budget of the President for fiscal year 2001 submitted to the Congress pursuant to section 1105 of title 31, United States Code, and each annual budget request thereafter, shall include budget activity groups (known as ‘subactivities’) in all appropriations accounts provided in this Act [see Tables for classification], as may be necessary, to separately identify all costs incurred by the Department of Defense to support the North Atlantic Treaty Organization and all Partnership For Peace programs and initiatives. The budget justification materials submitted to the Congress in support of the budget of the Department of Defense for fiscal year 2001, and subsequent fiscal years, shall provide complete, detailed estimates for all such costs.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 105-262, title VIII, §8095, Oct. 17, 1998, 112 Stat. 2319.

Pub. L. 105-56, title VIII, §8116, Oct. 8, 1997, 111 Stat. 1245.

PROGRAM ELEMENTS FOR BALLISTIC MISSILE DEFENSE ORGANIZATION

Pub. L. 104-106, div. A, title II, §251, Feb. 10, 1996, 110 Stat. 233, which required that in budget justification materials submitted to Congress in support of Department of Defense budget, the amount requested for activities of the Ballistic Missile Defense Organization be set forth in accordance with specified program elements, was repealed and restated as section 223 of this title by Pub. L. 105-261, div. A, title II, §235(a)(1), (b), Oct. 17, 1998, 112 Stat. 1953.

BUDGET SUBMISSIONS ON SALARIES AND EXPENSES RELATED TO ADMINISTRATIVE ACTIVITIES

Pub. L. 109-148, div. A, title VIII, §8032, Dec. 30, 2005, 119 Stat. 2705, provided that: “The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, and hereafter, materials that shall identify clearly and separately the amounts requested in

the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the defense agencies.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 108-287, title VIII, §8036, Aug. 5, 2004, 118 Stat. 978.

Pub. L. 108-87, title VIII, §8036, Sept. 30, 2003, 117 Stat. 1080.

Pub. L. 107-248, title VIII, §8036, Oct. 23, 2002, 116 Stat. 1544.

Pub. L. 107-117, div. A, title VIII, §8039, Jan. 10, 2002, 115 Stat. 2256.

Pub. L. 106-259, title VIII, §8039, Aug. 9, 2000, 114 Stat. 683.

Pub. L. 106-79, title VIII, §8042, Oct. 25, 1999, 113 Stat. 1240.

Pub. L. 105-262, title VIII, §8042, Oct. 17, 1998, 112 Stat. 2306.

Pub. L. 105-56, title VIII, §8046, Oct. 8, 1997, 111 Stat. 1231.

Pub. L. 104-208, div. A, title I, §101(b) [title VIII, §8047], Sept. 30, 1996, 110 Stat. 3009-71, 3009-98.

Pub. L. 104-61, title VIII, §8058, Dec. 1, 1995, 109 Stat. 663.

Pub. L. 103-335, title VIII, §8069, Sept. 30, 1994, 108 Stat. 2635.

Pub. L. 103-139, title VIII, §8082, Nov. 11, 1993, 107 Stat. 1458.

Pub. L. 102-396, title IX, §9132, Oct. 6, 1992, 106 Stat. 1936.

SUBMISSION OF MULTIYEAR DEFENSE PROGRAM

Section 1402(b) of Pub. L. 101-510 provided for limitations on obligation by Secretary of Defense of fiscal year 1991 advance procurement funds if, as of end of 90-day period beginning on date on which President's budget for fiscal year 1992 was submitted to Congress, the Secretary had not submitted to Congress fiscal year 1992 multiyear defense program.

MISSION ORIENTED PRESENTATION OF DEPARTMENT OF DEFENSE MATTERS IN BUDGET

Section 1404 of Pub. L. 101-510 directed President to submit with budget submitted to Congress each year of programs of Department of Defense, a budget that organizes programs within major functional category 050 (National Defense) on basis of major roles and missions of Department of Defense, prior to repeal by Pub. L. 102-484, div. A, title X, §1002(b), Oct. 23, 1992, 106 Stat. 2480. See section 222 of this title.

§ 222. Future-years mission budget

(a) FUTURE-YEARS MISSION BUDGET.—The Secretary of Defense shall submit to Congress for each fiscal year a future-years mission budget for the military programs of the Department of Defense. That budget shall be submitted for any fiscal year with the future-years defense program submitted under section 221 of this title.

(b) CONSISTENCY WITH FUTURE-YEARS DEFENSE PROGRAM.—The future-years mission budget shall be consistent with the future-years defense program required under section 221 of this title. In the future-years mission budget, the military programs of the Department of Defense shall be organized on the basis of both major force programs and the core mission areas identified under the most recent quadrennial roles and missions review pursuant to section 118b of this title.

(c) RELATIONSHIP TO OTHER DEFENSE BUDGET FORMATS.—The requirement in subsection (a) is in addition to the requirements in any other provision of law regarding the format for the

presentation regarding military programs of the Department of Defense in the budget submitted pursuant to section 1105 of title 31 for any fiscal year.

(Added Pub. L. 102-484, div. A, title X, §1002(a)(2), Oct. 23, 1992, 106 Stat. 2480; amended Pub. L. 103-337, div. A, title X, §1004, Oct. 5, 1994, 108 Stat. 2834; Pub. L. 110-181, div. A, title IX, §944(a), (b), Jan. 28, 2008, 122 Stat. 289, 290.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in Pub. L. 101-510, div. A, title XIV, §1404, Nov. 5, 1990, 104 Stat. 1675, which was set out as a note under section 114a [now 221] of this title, prior to repeal by Pub. L. 102-484, §1002(b).

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-181, §944(a), amended last sentence generally. Prior to amendment, last sentence read as follows: “That budget shall be submitted for any fiscal year not later than 60 days after the date on which the President's budget for that fiscal year is submitted to Congress pursuant to section 1105 of title 31.”

Subsec. (b). Pub. L. 110-181, §944(b), substituted “on the basis of both major force programs and the core mission areas identified under the most recent quadrennial roles and missions review pursuant to section 118b of this title.” for “on the basis of major roles, missions, or forces of the Department of Defense.”

1994—Subsec. (a). Pub. L. 103-337 substituted “not later than 60 days after the date on which” for “at the same time that”.

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-181, div. A, title IX, §944(c), Jan. 28, 2008, 122 Stat. 290, provided that: “The amendments made by this section [amending this section] shall apply with respect to the future-years mission budget for fiscal year 2010 and each fiscal year thereafter.”

§ 223. Ballistic missile defense programs: program elements

(a) PROGRAM ELEMENTS SPECIFIED BY PRESIDENT.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31), the amount requested for activities of the Missile Defense Agency shall be set forth in accordance with such program elements as the President may specify.

(b) SEPARATE PROGRAM ELEMENTS FOR PROGRAMS ENTERING ENGINEERING AND MANUFACTURING DEVELOPMENT.—(1) The Secretary of Defense shall ensure that each ballistic missile defense program that enters engineering and manufacturing development is assigned a separate, dedicated program element.

(2) In this subsection, the term “engineering and manufacturing development” means the period in the course of an acquisition program during which the primary objectives are to—

(A) translate the most promising design approach into a stable, interoperable, producible, supportable, and cost-effective design;

(B) validate the manufacturing or production process; and

(C) demonstrate system capabilities through testing.

(c) MANAGEMENT AND SUPPORT.—The amount requested for a fiscal year for any program ele-

ment specified for that fiscal year pursuant to subsection (a) shall include requests for the amounts necessary for the management and support of the programs, projects, and activities contained in that program element.

(Added Pub. L. 105-261, div. A, title II, § 235(a)(1), Oct. 17, 1998, 112 Stat. 1953; amended Pub. L. 107-107, div. A, title II, § 232(a), (b), Dec. 28, 2001, 115 Stat. 1037; Pub. L. 107-314, div. A, title II, § 225(b)(1)(A), Dec. 2, 2002, 116 Stat. 2486; Pub. L. 108-136, div. A, title II, § 221(a), (b)(1), (c)(1), Nov. 24, 2003, 117 Stat. 1419.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in Pub. L. 104-106, div. A, title II, § 251, Feb. 10, 1996, 110 Stat. 233, which was set out as a note under section 221 of this title, prior to repeal by Pub. L. 105-261, § 235(b).

AMENDMENTS

2003—Subsec. (a), Pub. L. 108-136, § 221(a), inserted “by President” after “Specified” in heading, substituted “such program elements as the President may specify.” for “program elements governing functional areas as follows:” in introductory provisions, and struck out pars. (1) to (6), which read as follows:

- “(1) Technology.
- “(2) Ballistic Missile Defense System.
- “(3) Terminal Defense Segment.
- “(4) Midcourse Defense Segment.
- “(5) Boost Defense Segment.
- “(6) Sensors Segment.”

Subsec. (b)(2), Pub. L. 108-136, § 221(c)(1), substituted “means the period in the course of an acquisition program during which the” for “means the development phase whose”.

Subsec. (c), Pub. L. 108-136, § 221(b)(1), substituted “for a fiscal year for any program element specified for that fiscal year pursuant to subsection (a)” for “for each program element specified in subsection (a)”.

2002—Subsec. (a), Pub. L. 107-314 substituted “Missile Defense Agency” for “Ballistic Missile Defense Organization”.

2001—Subsec. (a), Pub. L. 107-107, § 232(a), substituted “in accordance with program elements governing functional areas as follows:” for “in accordance with the following program elements:” in introductory provisions, added pars. (1) to (6), and struck out former pars. (1) to (12) which read as follows:

- “(1) The Patriot system.
- “(2) The Navy Area system.
- “(3) The Theater High-Altitude Area Defense system.
- “(4) The Navy Theater Wide system.
- “(5) The Medium Extended Air Defense System.
- “(6) Joint Theater Missile Defense.
- “(7) National Missile Defense.
- “(8) Support Technologies.
- “(9) Family of Systems Engineering and Integration.
- “(10) Ballistic Missile Defense Technical Operations.
- “(11) Threat and Countermeasures.
- “(12) International Cooperative Programs.”

Subsec. (b), Pub. L. 107-107, § 232(b), amended heading and text of subsec. (b) generally. Prior to amendment, text read as follows: “Amounts requested for Theater Missile Defense and National Missile Defense major defense acquisition programs shall be specified in individual, dedicated program elements, and amounts appropriated for those programs shall be available only for Ballistic Missile Defense activities.”

ACQUISITION ACCOUNTABILITY REPORTS ON THE BALLISTIC MISSILE DEFENSE SYSTEM

Pub. L. 111-383, div. A, title II, § 225, Jan. 7, 2011, 124 Stat. 4170, related to acquisition baselines, elements of baselines, and annual reports, prior to repeal by Pub. L. 112-81, div. A, title II, § 231(b)(1), Dec. 31, 2011, 125 Stat. 1339.

BUDGET AND ACQUISITION REQUIREMENTS FOR MISSILE DEFENSE AGENCY ACTIVITIES

Pub. L. 110-181, div. A, title II, § 223, Jan. 28, 2008, 122 Stat. 39, as amended by Pub. L. 112-81, div. A, title II, § 231(b)(2), Dec. 31, 2011, 125 Stat. 1339, provided that:

“(a) REVISED BUDGET STRUCTURE.—The budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year after fiscal year 2009 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) shall set forth separately amounts requested for the Missile Defense Agency for each of the following:

- “(1) Research, development, test, and evaluation.
- “(2) Procurement.
- “(3) Operation and maintenance.
- “(4) Military construction.

“(b) REVISED BUDGET STRUCTURE FOR FISCAL YEAR 2009.—The budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2009 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) shall—

“(1) identify all known and estimated operation and support costs; and

“(2) set forth separately amounts requested for the Missile Defense Agency for each of the following:

- “(A) Research, development, test, and evaluation.
- “(B) Procurement or advance procurement of long lead items, including for Terminal High Altitude Area Defense firing units 3 and 4, and for Standard Missile-3 Block 1A interceptors.
- “(C) Military construction.

“(c) AVAILABILITY OF RDT&E FUNDS FOR FISCAL YEAR 2009.—Upon approval by the Secretary of Defense, and consistent with the plan submitted under subsection (f), funds appropriated pursuant to an authorization of appropriations or otherwise made available for fiscal year 2009 for research, development, test, and evaluation for the Missile Defense Agency—

“(1) may be used for the fielding of ballistic missile defense capabilities approved previously by Congress; and

“(2) may not be used for—

- “(A) military construction activities; or
- “(B) procurement or advance procurement of long lead items, including for Terminal High Altitude Area Defense firing units 3 and 4, and for Standard Missile-3 Block 1A interceptors.

“(d) FULL FUNDING REQUIREMENT NOT APPLICABLE TO USE OF PROCUREMENT FUNDS FOR FISCAL YEARS 2009 AND 2010.—In any case in which funds appropriated pursuant to an authorization of appropriations or otherwise made available for procurement for the Missile Defense Agency for fiscal years 2009 and 2010 are used for the fielding of ballistic missile defense capabilities, the funds may be used for the fielding of those capabilities on an ‘incremental’ basis, notwithstanding any law or policy of the Department of Defense that would otherwise require a ‘full funding’ basis.

“(e) RELATIONSHIP TO OTHER LAW.—Nothing in this provision shall be construed to alter or otherwise affect in any way the applicability of the requirements and other provisions of section 234(a) through (d) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1837; 10 U.S.C. 2431 note).

“(f) PLAN REQUIRED.—Not later than March 1, 2008, the Director of the Missile Defense Agency shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a plan for transitioning the Missile Defense Agency from using exclusively research, development, test, and evaluation funds to using procurement, military construction, operations and maintenance, and research, development, test, and evaluation funds for the appropriate budget activities, and for transitioning from incremental funding to full funding for fiscal years after fiscal year 2010.”

REFERENCES TO NEW NAME FOR BALLISTIC MISSILE
DEFENSE ORGANIZATION

Pub. L. 107-314, div. A, title II, § 225(a), Dec. 2, 2002, 116 Stat. 2486, provided that: “Any reference to the Ballistic Missile Defense Organization in any provision of law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Missile Defense Agency.”

COOPERATIVE BALLISTIC MISSILE DEFENSE PROGRAM
ELEMENT

Pub. L. 105-85, div. A, title II, § 233, Nov. 18, 1997, 111 Stat. 1663, as amended by Pub. L. 107-314, div. A, title II, § 225(b)(4)(A), Dec. 2, 2002, 116 Stat. 2486, provided that:

“(a) REQUIREMENT FOR NEW PROGRAM ELEMENT.—The Secretary of Defense shall establish a program element for the Missile Defense Agency, to be referred to as the ‘Cooperative Ballistic Missile Defense Program’, to support technical and analytical cooperative efforts between the United States and other nations that contribute to United States ballistic missile defense capabilities. Except as provided in subsection (b), all international cooperative ballistic missile defense programs of the Department of Defense shall be budgeted and administered through that program element.

“(b) AUTHORITY FOR EXCEPTIONS.—The Secretary of Defense may exclude from the program element established pursuant to subsection (a) any international cooperative ballistic missile defense program of the Department of Defense that after the date of the enactment of this Act [Nov. 18, 1997] is designated by the Secretary of Defense (pursuant to applicable Department of Defense acquisition regulations and policy) to be managed as a separate acquisition program.

“(c) RELATIONSHIP TO OTHER PROGRAM ELEMENTS.—The program element established pursuant to subsection (a) is in addition to the program elements for activities of the Missile Defense Agency required under section 251 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 233; [former] 10 U.S.C. 221 note).”

§ 223a. Ballistic missile defense programs: procurement

(a) BUDGET JUSTIFICATION MATERIALS.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31), the Secretary of Defense shall specify, for each ballistic missile defense system element for which the Missile Defense Agency is engaged in planning for production and initial fielding, the following information:

(1) The production rate capabilities of the production facilities planned to be used for production of that element.

(2) The potential date of availability of that element for initial fielding.

(3) The estimated date on which the administration of the acquisition of that element is to be transferred from the Director of the Missile Defense Agency to the Secretary of a military department.

(b) FUTURE-YEARS DEFENSE PROGRAM.—The Secretary of Defense shall include in the future-years defense program submitted to Congress each year under section 221 of this title an estimate of the amount necessary for procurement for each ballistic missile defense system element, together with a discussion of the underlying factors and reasoning justifying the estimate.

(c) PERFORMANCE CRITERIA.—The Director of the Missile Defense Agency shall include in the performance criteria prescribed for planned development phases of the ballistic missile defense system and its elements a description of the intended effectiveness of each such phase against foreign adversary capabilities.

(d) TESTING PROGRESS.—The Director of Operational Test and Evaluation shall make available for review by the congressional defense committees the developmental and operational test plans established to assess the effectiveness of the ballistic missile defense system and its elements with respect to the performance criteria described in subsection (c).

(Added Pub. L. 108-136, div. A, title II, § 223(a)(1), Nov. 24, 2003, 117 Stat. 1420.)

IMPLEMENTATION OF REQUIREMENT FOR AVAILABILITY
OF TEST PLANS

Pub. L. 108-136, div. A, title II, § 223(b), Nov. 24, 2003, 117 Stat. 1420, directed that subsec. (d) of this section was to be implemented not later than Mar. 1, 2004.

§ 224. Ballistic missile defense programs: display of amounts for research, development, test, and evaluation

(a) REQUIREMENT.—Any amount in the budget submitted to Congress under section 1105 of title 31 for any fiscal year for research, development, test, and evaluation for the integration of a ballistic missile defense element into the overall ballistic missile defense architecture shall be set forth under the account of the Department of Defense for Defense-wide research, development, test, and evaluation and, within that account, under the subaccount (or other budget activity level) for the Missile Defense Agency.

(b) TRANSFER CRITERIA.—(1) The Secretary of Defense shall establish criteria for the transfer of responsibility for a ballistic missile defense program from the Director of the Missile Defense Agency to the Secretary of a military department. The criteria established for such a transfer shall, at a minimum, address the following:

(A) The technical maturity of the program.

(B) The availability of facilities for production.

(C) The commitment of the Secretary of the military department concerned to procurement funding for that program, as shown by funding through the future-years defense program and other defense planning documents.

(2) The Secretary shall submit the criteria established, and any modifications to those criteria, to the congressional defense committees.

(c) NOTIFICATION OF TRANSFER.—Before responsibility for a ballistic missile defense program is transferred from the Director of the Missile Defense Agency to the Secretary of a military department, the Secretary of Defense shall submit to the congressional defense committees notice in writing of the Secretary's intent to make that transfer. The Secretary shall include with such notice a certification that the program has met the criteria established under subsection (b) for such a transfer. The transfer may then be carried out after the end of the 60-day period beginning on the date of such notice.

(d) CONFORMING BUDGET AND PLANNING TRANSFERS.—When a ballistic missile defense program is transferred from the Missile Defense Agency to the Secretary of a military department in accordance with this section, the Secretary of Defense shall ensure that all appropriate conforming changes are made to proposed or projected funding allocations in the future-years defense program under section 221 of this title and other Department of Defense program, budget, and planning documents.

(e) FOLLOW-ON RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—The Secretary of Defense shall ensure that, before a ballistic missile defense program is transferred from the Director of the Missile Defense Agency to the Secretary of a military department, roles and responsibilities for research, development, test, and evaluation related to system improvements for that program are clearly delineated.

(Added Pub. L. 105-85, div. A, title II, § 232(a)(1), Nov. 18, 1997, 111 Stat. 1662; amended Pub. L. 107-107, div. A, title II, § 231(a), (b)(1), Dec. 28, 2001, 115 Stat. 1035, 1036; Pub. L. 107-314, div. A, title II, §§ 222, 225(b)(1)(A), Dec. 2, 2002, 116 Stat. 2485, 2486; Pub. L. 108-136, div. A, title II, § 226, title X, § 1043(b)(4), Nov. 24, 2003, 117 Stat. 1421, 1611.)

AMENDMENTS

2003—Subsec. (a). Pub. L. 108-136, § 226(b), substituted “the integration of a ballistic missile defense element into the overall ballistic missile defense architecture” for “a Department of Defense missile defense program described in subsection (b)”.

Subsec. (e). Pub. L. 108-136, § 226(a), substituted “before a” for “for each”, inserted “is” before “transferred”, and substituted “roles and responsibilities” for “responsibility” and “are clearly delineated” for “remains with the Director”.

Subsec. (f). Pub. L. 108-136, § 1043(b)(4), struck out heading and text of subsec. (f). Text read as follows: “In this section, the term ‘congressional defense committees’ means the following:

“(1) The Committee on Armed Services and the Committee on Appropriations of the Senate.

“(2) The Committee on Armed Services and the Committee on Appropriations of the House of Representatives.”

2002—Subsecs. (a), (b)(1), (c), (d). Pub. L. 107-314, § 225(b)(1)(A), substituted “Missile Defense Agency” for “Ballistic Missile Defense Organization”.

Subsec. (e). Pub. L. 107-314 substituted “for each” for “before a”, “transferred” for “is transferred”, “Missile Defense Agency” for “Ballistic Missile Defense Organization”, and “responsibility for research, development, test, and evaluation related to system improvements for that program remains with the Director” for “roles and responsibilities for research, development, test, and evaluation related to system improvements for that program are clearly defined”.

2001—Pub. L. 107-107, § 231(b)(1), substituted “research, development, test, and evaluation” for “procurement” in section catchline.

Subsec. (a). Pub. L. 107-107, § 231(a)(1), substituted “research, development, test, and evaluation” for “procurement” in two places.

Subsecs. (b) to (f). Pub. L. 107-107, § 231(a)(2), added subsecs. (b) to (f) and struck out former subsecs. (b) and (c) which related to covered programs and core theater ballistic missile defense program, respectively.

§ 225. Acquisition accountability reports on the ballistic missile defense system

(a) BASELINES REQUIRED.—(1) In accordance with paragraph (2), the Director of the Missile

Defense Agency shall establish and maintain an acquisition baseline for—

(A) each program element of the ballistic missile defense system, as specified in section 223 of this title; and

(B) each designated major subprogram of such program elements.

(2) The Director shall establish an acquisition baseline required by paragraph (1) before the date on which the program element or major subprogram enters—

(A) engineering and manufacturing development (or its equivalent); and

(B) production and deployment.

(3) Except as provided by subsection (d), the Director may not adjust or revise an acquisition baseline established under this section.

(b) ELEMENTS OF BASELINES.—Each acquisition baseline required by subsection (a) for a program element or major subprogram shall include the following:

(1) A comprehensive schedule, including—

(A) research and development milestones;

(B) acquisition milestones, including design reviews and key decision points;

(C) key test events, including ground and flight tests and ballistic missile defense system tests;

(D) delivery and fielding schedules;

(E) quantities of assets planned for acquisition and delivery in total and by fiscal year; and

(F) planned contract award dates.

(2) A detailed technical description of—

(A) the capability to be developed, including hardware and software;

(B) system requirements, including performance requirements;

(C) how the proposed capability satisfies a capability identified by the commanders of the combatant commands on a prioritized capabilities list;

(D) key knowledge points that must be achieved to permit continuation of the program and to inform production and deployment decisions; and

(E) how the Director plans to improve the capability over time.

(3) A cost estimate, including—

(A) a life-cycle cost estimate that separately identifies the costs regarding research and development, procurement, military construction, operations and sustainment, and disposal;

(B) program acquisition unit costs for the program element;

(C) average procurement unit costs and program acquisition costs for the program element; and

(D) an identification of when the document regarding the program joint cost analysis requirements description is scheduled to be approved.

(4) A test baseline summarizing the comprehensive test program for the program element or major subprogram outlined in the integrated master test plan.

(c) ANNUAL REPORTS ON ACQUISITION BASELINES.—(1) Not later than February 15 of each

year, the Director shall submit to the congressional defense committees a report on the acquisition baselines required by subsection (a).

(2)(A) The first report under paragraph (1) shall set forth each acquisition baseline required by subsection (a) for a program element or major subprogram.

(B) Each subsequent report under paragraph (1) shall include—

(i) any new acquisition baselines required by subsection (a) for a program element or major subprogram; and

(ii) with respect to an acquisition baseline that was previously included in a report under paragraph (1), an identification of any changes or variances made to the elements described in subsection (b) for such acquisition baseline, as compared to—

(I) the initial acquisition baseline for such program element or major subprogram; and

(II) the acquisition baseline for such program element or major subprogram that was submitted in the report during the previous year.

(3) Each report under this subsection shall be submitted in unclassified form, but may include a classified annex.

(d) EXCEPTION TO LIMITATION ON REVISION.—The Director may adjust or revise an acquisition baseline established under this section if the Director submits to the congressional defense committees notification of—

(1) a justification for such adjustment or revision;

(2) the specific adjustments or revisions made to the acquisition baseline, including to the elements described in subsection (b); and

(3) the effective date of the adjusted or revised acquisition baseline.

(Added Pub. L. 112–81, div. A, title II, § 231(a)(1), Dec. 31, 2011, 125 Stat. 1337.)

[§ 226. Repealed. Pub. L. 112–81, div. A, title X, § 1061(3)(A), Dec. 31, 2011, 125 Stat. 1583]

Section, added Pub. L. 102–190, div. A, title X, § 1002(a)(1), Dec. 5, 1991, 105 Stat. 1455, § 221; renumbered § 226, Pub. L. 102–484, div. A, title X, § 1002(a)(1), Oct. 23, 1992, 106 Stat. 2480; amended Pub. L. 103–160, div. A, title XI, § 1104, Nov. 30, 1993, 107 Stat. 1749; Pub. L. 108–136, div. A, title X, § 1031(a)(5), Nov. 24, 2003, 117 Stat. 1596; Pub. L. 109–364, div. A, title X, § 1007, Oct. 17, 2006, 120 Stat. 2373, related to scoring of outlays by the Director of the Office of Management and Budget and the Director of the Congressional Budget Office.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in Pub. L. 101–189, § 5(a), Nov. 29, 1989, 103 Stat. 1364, which was set out as a note under section 114a [now 221] of this title, prior to repeal by Pub. L. 102–190, § 1002(b)(1).

[§ 227. Repealed. Pub. L. 104–106, div. A, title X, § 1061(f)(1), Feb. 10, 1996, 110 Stat. 443]

Section, added Pub. L. 103–160, div. A, title III, § 374(a), Nov. 30, 1993, 107 Stat. 1636, directed Secretary of Defense to include recruiting costs in budget justification documents submitted to Congress each year in connection with submission of budget.

§ 228. Biannual reports on allocation of funds within operation and maintenance budget subactivities

(a) BIENNIAL REPORT.—The Secretary of Defense shall submit to the congressional defense committees a biannual report on the allocation of appropriations to O&M budget activities and to the subactivities of those budget activities. Each such report shall be submitted not later than 60 days after the end of the two fiscal-year quarters to which the report pertains.

(b) MATTERS TO BE INCLUDED.—Each such report shall set forth the following for each subactivity of the O&M budget activities:

(1) The amount of budget authority appropriated for that subactivity in the most recent regular Department of Defense Appropriations Act.

(2) The amount of budget authority actually made available for that subactivity, taking into consideration supplemental appropriations, rescissions, and other adjustments required by law or made pursuant to law.

(3) The amount programmed to be expended from such subactivity.

(c) IDENTIFICATION OF CERTAIN FLUCTUATIONS.—If, in the report under this section for the second two fiscal-year quarters of a fiscal year, an amount shown under subsection (b) for a subactivity is different by more than \$15,000,000 from the corresponding amount for that subactivity in the report for the first two fiscal-year quarters of that fiscal year, the Secretary shall include in the report notice of that difference.

(d) REPORT ON FLUCTUATIONS.—If a report under this section includes a notice under subsection (c), the Secretary shall include in the report with each such notice the following:

(1) The reasons for the reallocations of funds resulting in the inclusion of that notice in the report.

(2) Each budget subactivity involved in those reallocations.

(3) The effect of those reallocations on the operation and maintenance activities funded through the subactivity with respect to which the notice is included in the report.

(e) O&M BUDGET ACTIVITY DEFINED.—In this section, the term “O&M budget activity” means a budget activity within an operation and maintenance appropriation of the Department of Defense for a fiscal year.

(Added Pub. L. 105–85, div. A, title III, § 321(a)(1), Nov. 18, 1997, 111 Stat. 1672; amended Pub. L. 107–314, div. A, title III, § 361, Dec. 2, 2002, 116 Stat. 2519; Pub. L. 108–136, div. A, title X, §§ 1031(a)(6)(A), (B)(i), 1043(b)(5), Nov. 24, 2003, 117 Stat. 1596, 1611; Pub. L. 112–81, div. A, title X, § 1064(4)(A), (B)(i), Dec. 31, 2011, 125 Stat. 1587.)

AMENDMENTS

2011—Pub. L. 112–81, § 1064(4)(B)(i), amended section catchline generally, substituting “Biannual reports on allocation of funds within operation and maintenance budget subactivities” for “Quarterly reports on allocation of funds within operation and maintenance budget subactivities”.

Subsec. (a). Pub. L. 112–81, § 1064(4)(A)(i), substituted “Biannual Report” for “Quarterly Report” in heading

and “a biannual report” for “a quarterly report” and “two fiscal-year quarters” for “fiscal-year quarter” in text.

Subsec. (c). Pub. L. 112–81, §1064(4)(A)(ii), struck out par. (1) designation before “If, in the report”, substituted “the second two fiscal-year quarters of a fiscal year” for “a quarter of a fiscal year after the first quarter of that fiscal year” and “the first two fiscal-year quarters of that fiscal year” for “the first quarter of that fiscal year”, and struck out par. (2) which read as follows: “If, in the report under this section for a quarter of a fiscal year after a quarter for which the report under this section includes a notice under paragraph (1), an amount shown under subsection (b) for a subactivity is different by more than \$15,000,000 from the corresponding amount for that subactivity in the most recent report that includes a notice under paragraph (1) or this paragraph, the Secretary shall include in the report notice of that difference.”

2003—Pub. L. 108–136, §1031(a)(6)(B)(i), substituted “Quarterly” for “Monthly” in section catchline.

Subsec. (a). Pub. L. 108–136, §1031(a)(6)(A)(i), substituted “Quarterly” for “Monthly” in heading, “quarterly” for “monthly” in first sentence, and “fiscal-year quarter” for “month” in second sentence.

Subsec. (c). Pub. L. 108–136, §1031(a)(6)(A)(ii), substituted “quarter” for “month” wherever appearing.

Subsec. (e). Pub. L. 108–136, §1043(b)(5), substituted “O&M Budget Activity Defined” for “Definitions” in heading and a comma for a colon after “section”, struck out par. (1) designation before “The term”, and struck out par. (2) which read as follows: “The term ‘congressional defense committees’ means the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.”

2002—Subsec. (a). Pub. L. 107–314, §361(a), substituted “to the congressional defense committees” for “to Congress”.

Subsec. (e). Pub. L. 107–314, §361(b), substituted “Definitions” for “O&M Budget Activity Defined” in heading, inserted introductory provisions, designated existing provisions as par. (1) and substituted “The” for “For purposes of this section, the”, and added par. (2).

FIRST REPORT

Pub. L. 105–85, div. A, title III, §321(b), Nov. 18, 1997, 111 Stat. 1673, directed that the first report under this section was to be for Dec. 1997.

§ 229. Programs for combating terrorism: display of budget information

(a) SUBMISSION WITH ANNUAL BUDGET JUSTIFICATION DOCUMENTS.—The Secretary of Defense shall submit to Congress, as a part of the documentation that supports the President’s annual budget for the Department of Defense, a consolidated budget justification display, in classified and unclassified form, that includes all programs and activities of the Department of Defense combating terrorism program.

(b) REQUIREMENTS FOR BUDGET DISPLAY.—The budget display under subsection (a) shall include—

(1) the amount requested, by appropriation and functional area, for each of the program elements, projects, and initiatives that support the Department of Defense combating terrorism program, with supporting narrative descriptions and rationale for the funding levels requested; and

(2) a summary, to the program element and project level of detail, of estimated expenditures for the current year, funds requested for the budget year, and budget estimates through

the completion of the current future-years defense plan for the Department of Defense combating terrorism program.

(c) EXPLANATION OF INCONSISTENCIES.—As part of the budget display under subsection (a) for any fiscal year, the Secretary shall identify and explain—

(1) any inconsistencies between (A) the information submitted under subsection (b) for that fiscal year, and (B) the information provided to the Director of the Office of Management and Budget in support of the annual report of the President to Congress on funding for executive branch counterterrorism and antiterrorism programs and activities for that fiscal year in accordance with section 1051(b) of the National Defense Authorization Act for Fiscal Year 1998 (31 U.S.C. 1113 note); and

(2) any inconsistencies between (A) the execution, during the previous fiscal year and the current fiscal year, of programs and activities of the Department of Defense combating terrorism program, and (B) the funding and specification for such programs and activities for those fiscal years in the manner provided by Congress (both in statutes and in relevant legislative history).

(d) SEMIANNUAL REPORTS ON OBLIGATIONS AND EXPENDITURES.—The Secretary shall submit to the congressional defense committees a semi-annual report on the obligation and expenditure of funds for the Department of Defense combating terrorism program. Such reports shall be submitted not later than April 15 each year, with respect to the first half of a fiscal year, and not later than November 15 each year, with respect to the second half of a fiscal year. Each such report shall compare the amounts of those obligations and expenditures to the amounts authorized and appropriated for the Department of Defense combating terrorism program for that fiscal year, by budget activity, sub-budget activity, and program element or line item. The second report for a fiscal year shall show such information for the second half of the fiscal year and cumulatively for the whole fiscal year. The report shall be submitted in unclassified form, but may have a classified annex.

(e) DEPARTMENT OF DEFENSE COMBATING TERRORISM PROGRAM.—In this section, the term “Department of Defense combating terrorism program” means the programs, projects, and activities of the Department of Defense related to combating terrorism inside and outside the United States.

(Added Pub. L. 106–65, div. A, title IX, §932(b)(1), Oct. 5, 1999, 113 Stat. 727; amended Pub. L. 108–136, div. A, title X, §1043(b)(6), Nov. 24, 2003, 117 Stat. 1611.)

REFERENCES IN TEXT

Section 1051(b) of the National Defense Authorization Act for Fiscal Year 1998, referred to in subsec. (c)(1), is section 1051(b) of Pub. L. 105–85, which is set out as a note under section 1113 of Title 31, Money and Finance.

AMENDMENTS

2003—Subsec. (f). Pub. L. 108–136 struck out heading and text of subsec. (f). Text read as follows: “In this section, the term ‘congressional defense committees’ means—

“(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and
 “(B) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.”

**PRIORITIZATION OF FUNDS FOR EQUIPMENT READINESS
 AND STRATEGIC CAPABILITY**

Pub. L. 109-364, div. A, title III, § 323, Oct. 17, 2006, 120 Stat. 2146, as amended by Pub. L. 110-181, div. A, title III, § 353, Jan. 28, 2008, 122 Stat. 72; Pub. L. 111-383, div. A, title III, § 332(a)–(f), Jan. 7, 2011, 124 Stat. 4185, 4187, provided that:

“(a) **PRIORITIZATION OF FUNDS.**—The Secretary of Defense shall take such steps as may be necessary through the planning, programming, budgeting, and execution systems of the Department of Defense to ensure that financial resources are provided for each fiscal year as necessary to enable—

“(1) the Secretary of each military department to meet the requirements of that military department for that fiscal year for the repair, recapitalization, and replacement of equipment used in overseas contingency operations; and

“(2) the Secretary of the Army to meet the requirements of the Army for that fiscal year, in addition to the requirements under paragraph (1), for—

“(A) the fulfillment of the equipment requirements of modular units in accordance with the Modular Force Initiative report submitted to Congress in March 2006; and

“(B) the reconstitution of equipment and materiel in prepositioned stocks in accordance with requirements under the Army Prepositioned Stocks Strategy 2015 or a subsequent strategy implemented under the guidelines in section 2229 of title 10, United States Code.

“(b) **SUBMISSION OF BUDGET INFORMATION.**—

“(1) **SUBMISSION OF INFORMATION.**—As part of the budget justification materials submitted to Congress in support of the President’s budget for a fiscal year or a request for supplemental appropriations, the Secretary of Defense shall include the following:

“(A) The information described in paragraph (2) for the fiscal year for which the budget justification materials are submitted, the fiscal year during which the materials are submitted, and the preceding fiscal year.

“(B) The information described in paragraph (2) for each of the fiscal years covered by the future-years defense program for the fiscal year in which the report is submitted based on estimates of any amounts required to meet each of the requirements under subsection (a) that are not met for that fiscal year and are deferred to the future-years defense program.

“(C) A consolidated budget justification summary of the information submitted under subparagraphs (A) and (B).

“(2) **INFORMATION DESCRIBED.**—The information described in this paragraph is information that clearly and separately identifies, by appropriations account, budget activity, activity group, sub-activity group, and program element or line item, the amounts requested for the programs, projects, and activities of—

“(A) each of the military departments for the repair, recapitalization, or replacement of equipment used in overseas contingency operations; and

“(B) the Army for—

“(i) the fulfillment of the equipment requirements of modular units; and

“(ii) the reconstitution of equipment and materiel in prepositioned stocks.

“(c) **ANNUAL REPORT ON ARMY PROGRESS.**—(1) On the date on which the President submits to Congress the budget for a fiscal year under section 1105 of title 31, United States Code, the Secretary of the Army shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report set-

ting forth the progress of the Army in fulfilling the key enabler equipment requirements of modular units and in repairing, recapitalizing, and replacing equipment and materiel used in support of overseas contingency operations underway as of the date of such report, and associated sustainment. Any information included in the report shall be itemized by active duty component and reserve component.

“(2) Each such report shall include the following:

“(A) An assessment of the key enabler equipment and personnel of the Army, including—

“(i) a comparison of—

“(I) the authorized level of key enabler equipment;

“(II) the level of key enabler equipment on hand; and

“(III) the planned purchases of key enabler equipment as set forth in the future-years defense program submitted with the budget for such fiscal year;

“(ii) a comparison of the authorized and actual personnel levels for personnel with key enabler personnel specialties [sic] with the requirements for key enabler personnel specialties;

“(iii) an identification of any shortfalls indicated by the comparisons in clauses (i) and (ii); and

“(iv) an assessment of the number and type of key enabler equipment that the Army projects it will have on hand by the end of such future-years defense program that will require repair, recapitalization, or replacement at or before the end of the time period covered by such future-years defense program (which assessment shall account for additional repair, recapitalization, or replacement resulting from use of key enabler equipment in overseas contingency operations).

“(B) If an assessment under subparagraph (A) identifies shortfalls that will exist within the period covered by the future-years defense program submitted in such fiscal year, an identification of the risks associated with such shortfalls and mitigation strategies to address such risks.

“(C) A schedule for the accomplishment of the purposes set forth in paragraph (1).

“(D) The results of Army assessments of modular force capabilities, including lessons learned from existing modular units and any modifications that have been made to modularity.

“(E) A description of the status of the development of doctrine on how modular combat, functional, and support forces will train, be sustained, and fight.

“(F) The comments of the Chief of the National Guard Bureau and the Chief of the Army Reserve on each of the items described in subparagraphs (A) through (E).

“(d) **ANNUAL COMPTROLLER GENERAL REPORT ON ARMY PROGRESS.**—Not later than 180 days after the date on which the Secretary of the Army submits a report under subsection (c), the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth the Comptroller General’s review of such report. Each report under this subsection shall include such information and recommendations as the Comptroller General considers appropriate in light of such review.

“(e) **DEFINITIONS.**—In this section:

“(1) The term ‘contingency operation’ has the meaning given that term in section 101(a)(13) of title 10, United States Code.

“(2) The term ‘key enabler’, in the case of equipment or personnel, means equipment or personnel, as the case may be, that make a modular force or unit as capable or more capable than the non-modular force or unit it replaced, including the following:

“(A) Equipment such as tactical and high frequency radio, tactical wheeled vehicles, battle command systems, unmanned aerial vehicles, all-source analysis systems, analysis and control elements, fire support sensor systems, firefinder radar, joint network nodes, long-range advanced scout surveil-

lance systems, Trojan Spirit systems (or any successor system), and any other equipment items identified by the Army as making a modular force or unit as capable or more capable than the non-modular force or unit it replaced.

“(B) Personnel in specialties needed to operate or support the equipment specified in subparagraph (A) and personnel in specialties relating to civil affairs, communication and information systems operation, explosive ordnance disposal, military intelligence, psychological operations, and any other personnel specialties identified by the Army as making a modular force or unit as capable or more capable than the non-modular force or unit it replaced.

“(f) TERMINATION OF REPORT REQUIREMENTS.—The requirement for the submission of a report under subsection (c) or (d) shall terminate on the date of the submission of the report required to be submitted under that subsection to accompany or follow the President’s budget submission for fiscal year 2015.”

QUARTERLY DETAILED ACCOUNTING FOR OPERATIONS CONDUCTED AS PART OF THE GLOBAL WAR ON TERRORISM

Pub. L. 108–375, div. A, title X, §1041, Oct. 28, 2004, 118 Stat. 2048, which required the Secretary of Defense to submit quarterly reports on Operation Iraqi Freedom, Operation Enduring Freedom, Operation Noble Eagle, and any other operation designated by the President as being an operation of the Global War on Terrorism, was repealed by Pub. L. 112–81, div. A, title X, §1062(f)(2), Dec. 31, 2011, 125 Stat. 1585.

[§ 230. Repealed. Pub. L. 107–314, div. A, title X, § 1041(a)(2)(A), Dec. 2, 2002, 116 Stat. 2645]

Section, added Pub. L. 106–65, div. A, title X, §1041(a)(1), Oct. 5, 1999, 113 Stat. 758; amended Pub. L. 106–398, §1 [[div. A], title X, §1075(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A–280, related to inclusion in the budget justification materials submitted to Congress of specific identification of amounts required for declassification of records.

§ 231. Budgeting for construction of naval vessels: annual plan and certification

(a) ANNUAL NAVAL VESSEL CONSTRUCTION PLAN AND CERTIFICATION.—The Secretary of Defense shall include with the defense budget materials for a fiscal year—

(1) a plan for the construction of combatant and support vessels for the Navy developed in accordance with this section; and

(2) a certification by the Secretary that both the budget for that fiscal year and the future-years defense program submitted to Congress in relation to such budget under section 221 of this title provide for funding of the construction of naval vessels at a level that is sufficient for the procurement of the vessels provided for in the plan under paragraph (1) on the schedule provided in that plan.

(b) ANNUAL NAVAL VESSEL CONSTRUCTION PLAN.—(1) The annual naval vessel construction plan developed for a fiscal year for purposes of subsection (a)(1) should be designed so that the naval vessel force provided for under that plan is capable of supporting the national security strategy of the United States as set forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a), except that, if at the time such plan is submitted with the defense budget materials for that fiscal year, a

national security strategy report required under such section 108 has not been submitted to Congress as required by paragraph (2) or paragraph (3), if applicable, of subsection (a) of such section, then such annual plan should be designed so that the naval vessel force provided for under that plan is capable of supporting the ship force structure recommended in the report of the most recent quadrennial defense review.

(2) Each such naval vessel construction plan shall include the following:

(A) A detailed program for the construction of combatant and support vessels for the Navy over the next 30 fiscal years.

(B) A description of the necessary naval vessel force structure to meet the requirements of the national security strategy of the United States or the most recent quadrennial defense review, whichever is applicable under paragraph (1).

(C) The estimated levels of annual funding necessary to carry out the program, together with a discussion of the procurement strategies on which such estimated levels of annual funding are based.

(c) ASSESSMENT WHEN VESSEL CONSTRUCTION BUDGET IS INSUFFICIENT TO MEET APPLICABLE REQUIREMENTS.—If the budget for a fiscal year provides for funding of the construction of naval vessels at a level that is not sufficient to sustain the naval vessel force structure specified in the naval vessel construction plan for that fiscal year under subsection (a), the Secretary shall include with the defense budget materials for that fiscal year an assessment that describes and discusses the risks associated with the reduced force structure of naval vessels that will result from funding naval vessel construction at such level. Such assessment shall be coordinated in advance with the commanders of the combatant commands.

(d) CBO EVALUATION.—Not later than 60 days after the date on which the congressional defense committees receive the plan under subsection (a)(1), the Director of the Congressional Budget Office shall submit to such committees a report assessing the sufficiency of the estimated levels of annual funding included in such plan with respect to the budget submitted during the year in which the plan is submitted and the future-years defense program submitted under section 221 of this title.

(e) DEFINITIONS.—In this section:

(1) The term “budget”, with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

(2) The term “defense budget materials”, with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.

(3) The term “quadrennial defense review” means the review of the defense programs and policies of the United States that is carried out every four years under section 118 of this title.

(Added Pub. L. 107–314, div. A, title X, §1022(a)(1), Dec. 2, 2002, 116 Stat. 2639; amended Pub. L. 111–383, div. A, title X, §1023(a), Jan. 7,

2011, 124 Stat. 4349; Pub. L. 112-81, div. A, title X, § 1011(a), Dec. 31, 2011, 125 Stat. 1558.)

AMENDMENTS

2011—Pub. L. 112-81 amended section generally. Prior to amendment, section related to submission of a long-range plan for construction of combatant and support naval vessels that supports the force structure recommendations of a quadrennial defense review.

Pub. L. 111-383 amended section generally. Prior to amendment, section related to submission of an annual plan for construction of naval vessels and certification that the budget for the current fiscal year and the future-years defense program is sufficient for procurement of vessels provided for in the plan.

§ 231a. Budgeting for life-cycle cost of aircraft for the Navy, Army, and Air Force: annual plan and certification

(a) ANNUAL AIRCRAFT PROCUREMENT PLAN AND CERTIFICATION.—Not later than 45 days after the date on which the President submits to Congress the budget for a fiscal year of¹ Defense shall submit to the congressional defense committees—

(1) a plan for the procurement of the aircraft specified in subsection (b) for the Department of the Navy, the Department of the Army, and the Department of the Air Force developed in accordance with this section; and

(2) a certification by the Secretary that both the budget for such fiscal year and the future-years defense program submitted to Congress in relation to such budget under section 221 of this title provide for funding of the procurement of aircraft at a level that is sufficient for the procurement of the aircraft provided for in the plan under paragraph (1) on the schedule provided in the plan.

(b) COVERED AIRCRAFT.—The aircraft specified in this subsection are the aircraft as follows:

- (1) Fighter aircraft.
- (2) Attack aircraft.
- (3) Bomber aircraft.
- (4) Intertheater lift aircraft.
- (5) Intratheater lift aircraft.
- (6) Intelligence, surveillance, and reconnaissance aircraft.
- (7) Tanker aircraft.
- (8) Remotely piloted aircraft.
- (9) Rotary-wing aircraft.
- (10) Operational support and executive lift aircraft.
- (11) Any other major support aircraft designated by the Secretary of Defense for purposes of this section.

(c) ANNUAL AIRCRAFT PROCUREMENT PLAN.—(1) The annual aircraft procurement plan developed for a fiscal year for purposes of subsection (a)(1) should be designed so that the aviation force provided for under the plan is capable of supporting the national military strategy of the United States as set forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a), except that, if at the time the plan is submitted with the defense budget materials for that fiscal year, a national secu-

rity strategy report required under such section 108 has not been submitted to Congress as required by paragraph (2) or paragraph (3), if applicable, of subsection (a) of such section, then the plan should be designed so that the aviation force provided for under the plan is capable of supporting the aviation force structure recommended in the report of the most recent Quadrennial Defense Review.

(2) Each annual aircraft procurement plan shall include the following:

(A) A detailed program for the procurement of the aircraft specified in subsection (b) for each of the Department of the Navy, the Department of the Army, and the Department of the Air Force over the next 30 fiscal years.

(B) A description of the necessary aviation force structure to meet the requirements of the national military strategy of the United States or the most recent Quadrennial Defense Review, whichever is applicable under paragraph (1).

(C) The estimated levels of annual investment funding necessary to carry out each aircraft program, together with a discussion of the procurement strategies on which such estimated levels of annual investment funding are based, set forth in aggregate for the Department of Defense and in aggregate for each military department.

(D) The estimated level of annual funding necessary to operate, maintain, sustain, and support each aircraft program throughout the life-cycle of the program, set forth in aggregate for the Department of Defense and in aggregate for each military department.

(E) For each of the cost estimates required by subparagraphs (C) and (D)—

(i) a description of whether the cost estimate is derived from the cost estimate position of the military department or derived from the cost estimate position of the Cost Analysis and Program Evaluation office of the Secretary of Defense;

(ii) if the cost estimate position of the military department and the cost estimate position of the Cost Analysis and Program Evaluation office differ by more than .5 percent for any aircraft program, an annotated cost estimate difference and sufficient rationale to explain the difference; and

(iii) the confidence or certainty level associated with the cost estimate for each aircraft program.

(F) An assessment by the Secretary of Defense of the extent to which the combined aircraft forces of the Department of the Navy, the Department of the Army, and the Department of the Air Force meet the national security requirements of the United States.

(3) For any cost estimate required by paragraph (2)(C) or (D), for any aircraft program for which the Secretary is required to include in a report under section 2432 of this title, the source of the cost information used to prepare the annual aircraft plan, shall be sourced from the Selected Acquisition Report data that the Secretary plans to submit to the congressional defense committees in accordance with subsection (f) of that section for the year for which the annual aircraft plan is prepared.

¹ So in original. Probably should be preceded by “, the Secretary”.

(4) The annual aircraft procurement plan shall be submitted in unclassified form and shall contain a classified annex.

(d) ASSESSMENT WHEN AIRCRAFT PROCUREMENT BUDGET IS INSUFFICIENT TO MEET APPLICABLE REQUIREMENTS.—If the budget for a fiscal year provides for funding of the procurement of aircraft for either the Department of the Navy, the Department of the Army, or the Department of the Air Force at a level that is not sufficient to sustain the aviation force structure specified in the aircraft procurement plan for such Department for that fiscal year under subsection (a), the Secretary shall include with the defense budget materials for that fiscal year an assessment that describes and discusses the risks associated with the reduced force structure of aircraft that will result from funding aircraft procurement at such level. Such assessment shall be coordinated in advance with the commanders of the combatant commands.

(e) ANNUAL REPORT ON AIRCRAFT INVENTORY.—(1) As part of the annual plan and certification required to be submitted under this section, the Secretary shall include a report on the aircraft in the inventory of the Department of Defense. Each such report shall include the following, for the year covered by the report:

(A) The total number of aircraft in the inventory.

(B) The total number of the aircraft in the inventory that are active, stated in the following categories (with appropriate subcategories for mission aircraft, training aircraft, dedicated test aircraft, and other aircraft):

- (i) Primary aircraft.
- (ii) Backup aircraft.
- (iii) Attrition and reconstitution reserve aircraft.

(C) The total number of the aircraft in the inventory that are inactive, stated in the following categories:

- (i) Bailment aircraft.
- (ii) Drone aircraft.
- (iii) Aircraft for sale or other transfer to foreign governments.
- (iv) Leased or loaned aircraft.
- (v) Aircraft for maintenance training.
- (vi) Aircraft for reclamation.
- (vii) Aircraft in storage.

(D) The aircraft inventory requirements approved by the Joint Chiefs of Staff.

(2) Each report submitted under this subsection shall set forth each item described in paragraph (1) separately for the regular component of each armed force and for each reserve component of each armed force and, for each such component, shall set forth each type, model, and series of aircraft provided for in the future-years defense program that covers the fiscal year for which the budget accompanying the plan, certification and report is submitted.

(f) DEFINITIONS.—In this section:

(1) The term “budget”, with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

(2) The term “Quadrennial Defense Review” means the review of the defense programs and policies of the United States that is carried

out every 4 years under section 118 of this title.

(Added Pub. L. 110-417, [div. A], title I, §141(a), Oct. 14, 2008, 122 Stat. 4379; amended Pub. L. 112-81, div. A, title X, §1069(a), (b), Dec. 31, 2011, 125 Stat. 1589, 1591.)

AMENDMENTS

2011—Pub. L. 112-81, §1069(b), amended section catchline generally, substituting “Budgeting for life-cycle cost of aircraft for the Navy, Army, and Air Force: annual plan and certification” for “Budgeting for procurement of aircraft for the Navy and Air Force: annual plan and certification”.

Subsec. (a). Pub. L. 112-81, §1069(a)(1)(A), substituted “Not later than 45 days after the date on which the President submits to Congress the budget for a fiscal year” for “The Secretary” and “submit to the congressional defense committees” for “include with the defense budget materials for each fiscal year” in introductory provisions.

Subsec. (a)(1). Pub. L. 112-81, §1069(a)(1)(B), inserted “, the Department of the Army,” after “Navy”.

Subsec. (b)(4). Pub. L. 112-81, §1069(a)(2)(A), substituted “Intertheater” for “Strategic”.

Subsec. (b)(8) to (11). Pub. L. 112-81, §1069(a)(2)(B), (C), added pars. (8) to (10) and redesignated former par. (8) as (11).

Subsec. (c)(1). Pub. L. 112-81, §1069(a)(3)(A), substituted “national military strategy of the United States” for “national security strategy of the United States”.

Subsec. (c)(2)(A). Pub. L. 112-81, §1069(a)(3)(B)(i), inserted “, the Department of the Army,” after “Navy”.

Subsec. (c)(2)(B). Pub. L. 112-81, §1069(a)(3)(B)(ii), substituted “national military strategy of the United States” for “national security strategy of the United States”.

Subsec. (c)(2)(C). Pub. L. 112-81, §1069(a)(3)(B)(iii)(II), (III), substituted “each aircraft program” for “the program” and inserted before period at end “, set forth in aggregate for the Department of Defense and in aggregate for each military department”.

Pub. L. 112-81, §1069(a)(3)(B)(iii)(I), which directed the insertion of “investment” before “funding”, was executed by inserting “investment” before “funding” both places it appeared, to reflect the probable intent of Congress.

Subsec. (c)(2)(D) to (F). Pub. L. 112-81, §1069(a)(3)(B)(iv)–(vi), added subpars. (D) and (E), redesignated former subpar. (D) as (F), and, in subpar. (F), inserted “, the Department of the Army,” after “Navy”.

Subsec. (c)(3), (4). Pub. L. 112-81, §1069(a)(3)(C), added pars. (3) and (4).

Subsec. (d). Pub. L. 112-81, §1069(a)(4), inserted “, the Department of the Army,” after “Navy”.

Subsec. (e). Pub. L. 112-81, §1069(a)(6), added subsec. (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 112-81, §1069(a)(5), (7), redesignated subsec. (e) as (f), redesignated par. (3) as (2), and struck out former par. (2) which read as follows: “The term ‘defense budget materials’, with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.”

§ 232. United States Joint Forces Command: amounts for research, development, test, and evaluation to be derived only from Defense-wide amounts

(a) REQUIREMENT.—Amounts for research, development, test, and evaluation for the United States Joint Forces Command shall be derived only from amounts made available to the Department of Defense for Defense-wide research, development, test, and evaluation.

(b) **SEPARATE DISPLAY IN BUDGET.**—Any amount in the budget submitted to Congress under section 1105 of title 31 for any fiscal year for research, development, test, and evaluation for the United States Joint Forces Command shall be set forth under the account of the Department of Defense for Defense-wide research, development, test, and evaluation.

(Added Pub. L. 108-375, div. A, title II, §214(a), Oct. 28, 2004, 118 Stat. 1834.)

EFFECTIVE DATE

Pub. L. 108-375, div. A, title II, §214(c), Oct. 28, 2004, 118 Stat. 1834, provided that: “Section 232 of title 10, United States Code (as added by subsection (a))[,] applies to fiscal years beginning with fiscal year 2007.”

§ 233. Operation and maintenance budget presentation

(a) **IDENTIFICATION OF BASELINE AMOUNTS IN O&M JUSTIFICATION DOCUMENTS.**—In any case in which the amount requested in the President’s budget for a fiscal year for a Department of Defense operation and maintenance program, project, or activity is different from the amount appropriated for that program, project, or activity for the current year, the O&M justification documents supporting that budget shall identify that appropriated amount and the difference between that amount and the amount requested in the budget, stated as an amount and as a percentage.

(b) **NAVY FOR SHIP DEPOT MAINTENANCE AND FOR INTERMEDIATE SHIP MAINTENANCE.**—In the O&M justification documents for the Navy for any fiscal year, amounts requested for ship depot maintenance and amounts requested for intermediate ship maintenance shall be identified and distinguished.

(c) **DEFINITIONS.**—In this section:

(1) The term “O&M justification documents” means Department of Defense budget justification documents with respect to accounts for operation and maintenance submitted to the congressional defense committees in support of the Department of Defense component of the President’s budget for any fiscal year.

(2) The term “President’s budget” means the budget of the President submitted to Congress under section 1105 of title 31 for any fiscal year.

(3) The term “current year” means the fiscal year during which the President’s budget is submitted in any year.

(Added Pub. L. 108-375, div. A, title X, §1003(a)(1), Oct. 28, 2004, 118 Stat. 2035.)

§ 234. POW/MIA activities: display of budget information

(a) **SUBMISSION WITH ANNUAL BUDGET JUSTIFICATION DOCUMENTS.**—The Secretary of Defense shall submit to Congress, as a part of the defense budget materials for a fiscal year, a consolidated budget justification display, in classified and unclassified form, that covers all programs and activities of Department of Defense POW/MIA accounting and recovery organizations.

(b) **REQUIREMENTS FOR BUDGET DISPLAY.**—The budget display under subsection (a) for a fiscal

year shall include for each such organization the following:

(1) A statement of what percentage of the requirements originally requested by the organization in the budget review process that the budget requests funds for.

(2) A summary of actual or estimated expenditures by that organization for the fiscal year during which the budget is submitted and for the fiscal year preceding that year.

(3) The amount in the budget for that organization.

(4) A detailed explanation of the shortfalls, if any, in the funding of any requirement shown pursuant to paragraph (1), when compared to the amount shown pursuant to paragraph (3).

(5) The budget estimate for that organization for the five fiscal years after the fiscal year for which the budget is submitted.

(c) **DEPARTMENT OF DEFENSE POW/MIA ACCOUNTING AND RECOVERY ORGANIZATIONS.**—In this section, the term “Department of Defense POW/MIA accounting and recovery organization” means any of the following (and any successor organization):

(1) The Defense Prisoner of War/Missing Personnel Office (DPMO).

(2) The Joint POW/MIA Accounting Command (JPAC).

(3) The Armed Forces DNA Identification Laboratory (AFDIL).

(4) The Life Sciences Equipment Laboratory (LSEL) of the Air Force.

(5) Any other element of the Department of Defense the mission of which (as designated by the Secretary of Defense) involves the accounting for and recovery of members of the armed forces who are missing in action or prisoners of war or who are unaccounted for.

(d) **OTHER DEFINITIONS.**—In this section:

(1) The term “defense budget materials”, with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.

(2) The term “budget”, with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

(Added Pub. L. 109-364, div. A, title V, §563(a), Oct. 17, 2006, 120 Stat. 2221.)

§ 235. Procurement of contract services: specification of amounts requested in budget

(a) **SUBMISSION WITH ANNUAL BUDGET JUSTIFICATION MATERIALS.**—In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31), the Secretary of Defense shall include the information described in subsection (b) with respect to the procurement of contract services.

(b) **INFORMATION PROVIDED.**—For each budget account, the materials submitted shall clearly and separately identify—

(1) the amount requested for the procurement of contract services for each Department

of Defense component, installation, or activity; and

(2) the number of full-time contractor employees (or the equivalent of full-time in the case of part-time contractor employees) projected and justified for each Department of Defense component, installation, or activity based on the inventory of contracts for services required by subsection (c) of section 2330a of this title and the review required by subsection (e) of such section.

(c) **CONTRACT SERVICES DEFINED.**—In this section, the term “contract services”—

(1) means services from contractors; but

(2) excludes services relating to research and development and services relating to military construction.

(Added Pub. L. 111-84, div. A, title VIII, § 803(a)(1), Oct. 28, 2009, 123 Stat. 2401.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in Pub. L. 110-181, div. A, title VIII, § 806, Jan. 28, 2008, 122 Stat. 213, which was set out as a note under section 221 of this title, prior to repeal by Pub. L. 111-84, § 803(a)(3).

CHAPTER 11—RESERVE COMPONENTS

Sec.

261. Reference to chapters 1003, 1005, and 1007.

AMENDMENTS

1994—Pub. L. 103-337, div. A, title XVI, § 1661(a)(2)(B), Oct. 5, 1994, 108 Stat. 2979, added item 261 and struck out former items 261 to 281.

1993—Pub. L. 103-160, div. A, title VIII, § 828(c)(1), Nov. 30, 1993, 107 Stat. 1714, added item 279.

1984—Pub. L. 98-525, title XIV, § 1405(7)(C), Oct. 19, 1984, 98 Stat. 2622, in item 264 substituted “armed force” for “military department” and “Reserves” for “reserves” and struck out “; reports to Congress” at end.

1978—Pub. L. 95-485, title IV, § 406(b)(2), Oct. 20, 1978, 92 Stat. 1616, struck out item 279 “Training reports”.

1967—Pub. L. 90-168, § 2(7), Dec. 1, 1967, 81 Stat. 522, substituted “designation of general or flag officers of each military department; personnel and logistic support for reserves; reports to Congress” for “responsibility for” in item 264.

1960—Pub. L. 86-559, § 1(2)(D), June 30, 1960, 74 Stat. 264, added item 281.

1958—Pub. L. 85-861, § 1(6), Sept. 2, 1958, 72 Stat. 1439, added items 270, 271, 272 and 279.

§ 261. Reference to chapters 1003, 1005, and 1007

Provisions of law relating to the reserve components generally, including provisions relating to the organization and administration of the reserve components, are set forth in chapter 1003 (beginning with section 10101), chapter 1005 (beginning with section 10141), and chapter 1007 (beginning with section 10201) of this title.

(Added Pub. L. 103-337, div. A, title XVI, § 1661(a)(2)(B), Oct. 5, 1994, 108 Stat. 2980.)

PRIOR PROVISIONS

Prior sections 261 to 265 were repealed by Pub. L. 103-337, div. A, title XVI, §§ 1661(a)(2)(A), 1691, Oct. 5, 1994, 108 Stat. 2979, 3026, effective Dec. 1, 1994.

Section 261, act Aug. 10, 1956, ch. 1041, 70A Stat. 10, named the reserve components of the armed forces. See sections 10101 and 10213 of this title.

Section 262, acts Aug. 10, 1956, ch. 1041, 70A Stat. 10; Dec. 1, 1967, Pub. L. 90-168, § 2(5), 81 Stat. 521, related to

purpose of reserve components. See section 10102 of this title.

Section 263, act Aug. 10, 1956, ch. 1041, 70A Stat. 11, related to basic policy for ordering Army National Guard of the United States and Air National Guard of the United States into Federal service. See section 10103 of this title.

Section 264, acts Aug. 10, 1956, ch. 1041, 70A Stat. 11; Dec. 1, 1967, Pub. L. 90-168, § 2(6), 81 Stat. 521; Nov. 19, 1969, Pub. L. 91-121, title III, § 303, 83 Stat. 206; Oct. 20, 1978, Pub. L. 95-485, title IV, § 406(a), 92 Stat. 1616; Oct. 19, 1984, Pub. L. 98-525, title XIV, § 1405(7)(A), (B), 98 Stat. 2622, authorized Secretaries of each armed force to designate officers to be responsible for reserve affairs and assigned responsibility for providing personnel and logistic support for reserves. See sections 10203 and 18501 of this title.

Section 265, act Aug. 10, 1956, ch. 1041, 70A Stat. 11, related to participation of reserve officers in preparation and administration of policies and regulations affecting reserve components. See section 10211 of this title.

Prior section 266 was renumbered section 12643 of this title.

Prior sections 267 to 281 were repealed by Pub. L. 103-337, div. A, title XVI, §§ 1661(a)(2)(A), 1691, Oct. 5, 1994, 108 Stat. 2979, 3026, effective Dec. 1, 1994.

Section 267, act Aug. 10, 1956, ch. 1041, 70A Stat. 12, related to placement and status of members of Ready Reserve, Standby Reserve, and Retired Reserve. See section 10141(a), (b) of this title.

Section 268, acts Aug. 10, 1956, ch. 1041, 70A Stat. 12; Sept. 2, 1958, Pub. L. 85-861, § 1(3), 72 Stat. 1437; Dec. 1, 1967, Pub. L. 90-168, § 2(8), 81 Stat. 522; Oct. 12, 1982, Pub. L. 97-295, § 1(5), 96 Stat. 1289, related to composition, organization, and structure of Ready Reserve. See sections 10142 and 10143 of this title.

Section 269, acts Aug. 10, 1956, ch. 1041, 70A Stat. 12; Sept. 2, 1958, Pub. L. 85-861, § 1(4), 72 Stat. 1437; June 30, 1960, Pub. L. 86-559, § 1(2)(A), 74 Stat. 264; Dec. 1, 1967, Pub. L. 90-168, § 2(9), 81 Stat. 522; Oct. 20, 1978, Pub. L. 95-485, title IV, § 405(a)(1), 92 Stat. 1615; Sept. 24, 1983, Pub. L. 98-94, title X, § 1018, 97 Stat. 669; Sept. 29, 1988, Pub. L. 100-456, div. A, title XII, § 1234(a)(1), 102 Stat. 2059, related to placement in and transfer from Ready Reserve. See sections 10145 and 10146 of this title.

Section 270, added Pub. L. 85-861, § 1(5)(A), Sept. 2, 1958, 72 Stat. 1438; amended Pub. L. 87-378, § 2, Oct. 4, 1961, 75 Stat. 807; Pub. L. 88-110, § 4, Sept. 3, 1963, 77 Stat. 136; Pub. L. 90-168, § 2(10), Dec. 1, 1967, 81 Stat. 523; Pub. L. 92-156, title III, § 303(a), Nov. 17, 1971, 85 Stat. 425; Pub. L. 96-513, title V, § 511(7), Dec. 12, 1980, 94 Stat. 2920; Pub. L. 100-456, div. A, title XII, § 1234(a)(2), Sept. 29, 1988, 102 Stat. 2059; Pub. L. 101-189, div. A, title V, § 501(b), Nov. 29, 1989, 103 Stat. 1435, related to training requirements of Ready Reserve. See sections 10147 and 10148 of this title.

Section 271, added Pub. L. 85-861, § 1(5)(A), Sept. 2, 1958, 72 Stat. 1438; amended Pub. L. 95-485, title IV, § 405(b), Oct. 20, 1978, 92 Stat. 1615, related to system of continuous screening of units and members of Ready Reserve. See section 10149 of this title.

Section 272, added Pub. L. 85-861, § 1(5)(A), Sept. 2, 1958, 72 Stat. 1438; amended Pub. L. 96-513, title V, § 511(8), Dec. 12, 1980, 94 Stat. 2920, related to transfers back from Standby Reserve to Ready Reserve. See section 10150 of this title.

Section 273, act Aug. 10, 1956, ch. 1041, 70A Stat. 13, related to composition of Standby Reserve and maintenance of inactive status list in Standby Reserve. See sections 10151 to 10153 of this title.

Section 274, acts Aug. 10, 1956, ch. 1041, 70A Stat. 13; June 30, 1960, Pub. L. 86-559, § 1(2)(B), 74 Stat. 264; Dec. 12, 1980, Pub. L. 96-513, title V, § 511(9), 94 Stat. 2920, related to composition of Retired Reserve. See section 10154 of this title.

Section 275, acts Aug. 10, 1956, ch. 1041, 70A Stat. 13; Sept. 2, 1958, Pub. L. 85-861, § 1(5)(B), 72 Stat. 1439, related to maintenance of personnel records of members of reserve components. See section 10204 of this title.

Section 276, acts Aug. 10, 1956, ch. 1041, 70A Stat. 13; Apr. 21, 1987, Pub. L. 100-26, § 7(k)(4), 101 Stat. 284, relat-